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Convention on the Elimination of all Forms of Discrimination Against Women

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ENGLISH
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Committee on the Elimination of Discrimination against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

MALI

V.87 83258 8554E

I. INTRODUCTION

In his memorandum No. SD 3012/8 dated 14 October 1985, the Secretary-General of the United Nations requested the Government of Mali to transmit to the Assistant Secretary-General in charge of the Centre for Social Development and Humanitarian Affairs at the Vienna International Centre its report on legislative, judicial, administrative or other measures taken to implement the provisions of the Convention.

In response to this request, the Ministry of Foreign Affairs and International Co-operation of the Republic of Mali has the honour to inform the Secretary-General of the United Nations of the legislative, judicial, administrative and other measures in force in Mali regarding discrimination against women.

II. OBSERVATIONS

Since the Republic of Mali acquired its national and international sovereignty, it has sought to protect human rights in general and the rights of women in particular. Thus important constitutional, legislative, judicial and administrative measures have been adopted in favour of women.

A. Constitutional provisions

The preamble to the Mali Constitution states: "The people of Mali solemnly proclaim the Republic of Mali, founded on the ideal of liberty and justice".

"The Republic of Mali solemnly reaffirms the rights and liberties of man and the citizen as enshrined in the Universal Declaration of Human Rights of 10 December 1948".

The following is to be found in the main body of the Constitution:

Article 1, paragraph 5:

"The Republic of Mali ensures equality before the law for everyone, regardless of origin, race, language, sex, religion or belief".

Later:

Article 12:

"Education is a right of all Malians. It is non-denominational and public".

Article 13:

"The Republic of Mali guarantees its citizens under the law:

- The right to work;
- Equality of employment;
- The right to leisure, social assistance and education".

Article 16:

"All citizens, regardless of race, ethnic origin, sex or opinion may vote or be elected under the conditions set out by law".

B. Legislative provisions

Law 62-17/AN-RM of 3 February 1962 containing the marriage and guardianship code forbids repudiation of a wife (article 58). This law also reflects the effort made by the legislator to ensure a proper balance between the rights and duties of each spouse.

The same law gives the wife guardianship of the children in the event of the death of her husband.

Article 23 of law No. 62-18 of 3 February 1962 containing the Malian nationality code offers a woman of foreign nationality the opportunity of acquiring Malian nationality, if she so wishes, in the event of marriage to a Malian.

Law No. 62-67/AN-RM of 9 August 1962 containing the labour code stipulates the equality of all citizens with regard to employment, and article 285 thereof gives married women the right to belong to trade unions without the authorization of their husbands and to participate in their administration or management.

Judicial measures

In the judicial area, one of the governing principles is the equality of all Malian citizens with regard to the public administration of justice, as stipulated in article 1 of the Constitution: "Women have the same rights as men to initiate judicial proceedings".

C. Administrative measures

There is no discrimination against women in the administrative hierarchy. They occupy posts in the Government and administer technical departments.

D. Political measures

From a political and social standpoint, since Mali is essentially a democratic country, Malian women are organized in the National Union of Malian Women and are active within the Party, the Democratic Union of the Malian People, and its subsidiary democratic organizations.

Within all these organizations, women hold posts of responsibility: they may, for example, stand for office in the Central Executive Bureau of the Party, the National Council and the National Assembly, and in all sections of the Party.

CONCLUSION

As regards civil rights, Malian women suffer no discrimination and enjoy full legal powers, with the exception of business matters; here they are required to obtain their husbands' agreement before setting up in trade. However, although the genuine political will exists to provide women with all the protection they need, it comes up against customs which remain deeply rooted in tradition.

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Against Women (CEDAW)

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States Parties

MALI

V.88 24512 1950e

INTRODUCTION

Since the adoption of the Universal Declaration of Human Rights in 1948, the United Nations has made considerable headway in defining the standards applicable to the enjoyment of human rights and fundamental liberties as well as to the protection of them. For this purpose several international conventions have been adopted.

The Convention on the Elimination of All Forms of Discrimination Against Women adopted by the United Nations is one of this series of legal instruments.

Its ratification by the Republic of Mali took place on 12 July 1985.

Under the terms of the Convention, a committee on the elimination of discrimination against women has to consider, on a periodic basis, the progress made by the States Party to the Convention in the form of reports submitted by them on the legislative, institutional and practical measures adopted to ensure equality between men and women. The aim of this report is to describe the activities of the Mali Government along these lines.

Let us look at the number of women in the population of Mali.

The provisional results of the 1987 census show a proportion of 52.2 per cent women out of an overall population of 7,260,225.

Among these women, 2,723,571, or two fifths of the total population and 83.3 per cent of the female population, live in the countryside. The urban population includes 58.8 per cent women.

With regard to the active population, women make up a very high proportion in all Mali's economic activities, which sometimes even exceeds the proportion of men in the following sectors:

- Cottage industries - 8.5 per cent, as opposed to 2.3 per cent
- Manufacturing industry and commerce - 3.0 per cent, as opposed to 1.9 per cent
- General administration - 2.3 per cent, as opposed to 2.2 per cent.

These statistics show clearly the important part played by women in the social and economic life of Mali.

LEGISLATIVE MEASURES

It is first and foremost the Constitution of 2 June 1974, presently in force, which, just as all the previous constitutional texts (see the Constitution of the Republic of the Sudan, Law 59-16 ACLP of 23 January 1959; Constitution of 22 September 1960, Law 60-1 AN-RM, article 1) proclaims the principle of the "equality" of all "before the law regardless of (...) sex". In its article 13 it affirms "equality of employment" and article 16 stipulates that "all citizens regardless of (...) sex may vote or be elected under the conditions set out by law". Within this logical context, Ordinance 79-44 of 11 May 1979 dealing with the electoral code states in article 2 that "citizens of both sexes who have reached the age of 21 (twenty-one) and enjoy civil and political rights and who do not become involved in the violations prescribed by the law or pronounced on by a judge may vote", and further on article 37 states that "any citizen of either sex who is a national of the Republic of Mali and is inscribed on the electoral rolls, or who justifies the fact that he ought to be, and who is 25 years of age and domiciled for at least a year in the territory, may be elected".

Law 62-67 AN-RM of 9 August 1962, which institutes a labour code in the Republic of Mali and the collective conventions in force, while applying the term worker, regardless of sex or religion, to any person practising a paid profession under the authority and direction of an employer, further states that given equal working conditions, professional qualifications and output, the pay should be equal for all workers whatever their origin, sex, age or status.

The code governing marriage and guardianship (Law 62-17 AN-RM of 3 February 1962) guarantees equality in principle between men and women. Further, from the legal standpoint, the consent of the woman at the time when the marriage takes place is taken into consideration in the same way as that of the man when assessing the existence and validity of the marriage itself.

The rights and duties of the partners are fairly well balanced; for example, article 86 of the code of family relationships (Ordinance 36 CMLN of 31 July 1973) states that "the paternal authority belongs to the father and the mother during marriage".

Article 58 of the code of marriage and guardianship forbids repudiation of a wife (Law 62-17/AN-RM of 3 February 1962).

- A special provision of the law on retirement (article 114 of the Civil Service Statute) stipulates that a woman official may at her request be granted a reduction in the age limit at the rate of one year for each of the children in her care.

Article 183 of the Penal Code, in accordance with article 6 of the Convention, suppresses exploitation of the prostitution of women.

The nationality code conforms with article 9 of the Convention.

Ordinance 77/CMLN of 26 December 1977 dealing with the overall status of civil servants does not contain any provision which discriminates against women.

In the area of employment Mali has ratified three conventions on the elimination of all forms of discrimination against women: Convention 111 on discrimination in employment and professions (1958, ratified in 1964).

Convention 100 on equal pay (1951, ratified in 1961).

Convention 41 (revised) on night work for women (1934, ratified in 1960).

PRACTICAL MEASURES

On the political level: At all times women have played a determining role in the political activities of the country; for example, since 1946 women have been able to vote and to be elected. They are represented at all the country's political levels: Central Executive Office (BEC), National Council, Government and National Assembly.

The National Union of Malian Women gathers together, organizes, and assists all Malian women with a view to consciously preparing them for equality with men through training, information and literacy. It helps women in the countryside, more especially, by making their daily chores easier by providing grain mills, handcarts and improved ovens, by digging pump-operated wells, by building well-equipped rural maternity homes, by training midwives and traditional accoucheur, and so forth.

The National Women's Union, a democratic organization attached to the Party, is a member of all the larger joint Malian-friendly country commissions and the larger national commissions.

Malian women are consulted whenever there are decisions of national importance to be taken.

Trade union level: Women are represented at all levels of the National Union of Malian Workers (UNTM). Seminars are organized for their benefit.

Education and training: As far as an academic policy in favour of the rapid promotion of women is concerned, the Republic of Mali has adopted important provisions to create equality between the two sexes. In the area of education, the State advocates co-education at all school levels.

- basic education is mixed, compulsory and secular for all children of both sexes without any discrimination.

- At all levels the education given is the same for girls and boys.

- Conditions for admission to school and higher study are identical for boys and girls.

- For all para-academic and extra-academic activities, girls and boys participate in the same way, it being borne in mind that for girls there is limited participation in the case of certain sports that are regarded as too rough.

- When they have the same diploma, boys and girls have the same rights.

In the policy of combating illiteracy, the women have not been left behind. Nevertheless, the programme adopted in this respect by the female section of the National Centre for Functional Literacy between 1967 and 1972 geared to household activities has not produced the results hoped for.

This is why, with the formation of the National Directorate for Functional Literacy and Applied Linguistics (DNAFLA) under Ordinance 60/CMLN of 21 October 1975, literacy among women has boomed. And in order to consolidate its activities for women more effectively, the DNAFLA has set up a Division for the Promotion of Women, the task of which can be summarized as follows:

To place particular stress on the training of women who so far have remained on the fringe of activities aimed at making the population literate. One of the principal aspects of the work is research geared to defining a national education and training policy for the female population so as to increase and improve its participation in the process of development.

The activities of the Division for the Promotion of Women (DPF)

The Division for the Promotion of Women, in its aim of combating discrimination against women, teaches them how to read and write through the intermediary of subjects dealing with health, agriculture, cottage industries and education, and instructs them how to make calculations and to perform various operations enabling them to overcome problems of an everyday nature.

It is therefore a general information and motivation programme, which is followed, when they have become literate, by the use of specialized booklets of a technical nature for their occupational training in various socio-economic and cultural areas.

This ambitious programme has enabled women to gain a better idea of the new trends in everyday life, to adapt themselves to environmental change and to improve their productivity.

All the activities of the Division for the Promotion of Women are at present supported by video systems. The video addresses people directly and enables them to view their everyday activities, their difficulties and, often, the solutions they have found on their own initiative.

The audio-visual medium underlying the women's programme has made it possible to carry out improved awareness activities in 87 villages of the regions of Koulikoro, Sikasso, Ségou and Mopti.

In implementing its programme the Division for the Promotion of Women (DPF) of the National Directorate for Functional Literacy and Applied Linguistics has recorded the following results:

(1) At video programme level:

- 87 centres opened and in operation
- 125 women promotors trained
- 958 regular women students at the centres
- 92 neo-literates.

(2) At the level of the literacy programme in the Regional Directorates for Education and Rural Development Operations:

- 4,514 women students attending joint centres
- 732 of the these students are neo-literates.

(3) Within the context of mass literacy:

- 61 centres opened and in operation
- 122 women promotors trained
- 1,525 women students enrolled.

In order to alleviate the discrimination which women have suffered and to enable them to have full access to education, the Government of Mali has in its reform of the educational system accorded a large place to women and girls.

The role of public information in bringing women more into society remains dominant.

With regard to the application of the United Nations Convention, progress has been made in the Department of Public Information.

The mental approach by which the media used to be regarded as a field for men has made progress. In 1960, the date of our independence, women were virtually absent from the world of the media. There was one woman among the "communicators" (spoken and filmed press). Twenty-seven years later the structures have evolved together with the mental attitudes. Public information which is supposed to be a basic instrument for organizing society now establishes contact between the different partners of the society. And women have a considerable part to play within this public information, first as communicators and second as consumers.

Between 1960 and 1987 the number of women communicators rose from one to 27 (divisions of programmes, information and combined techniques) who are offered possibilities of training and advanced study under the same conditions as men.

IMPROVEMENT OF WORKING CONDITIONS FOR WOMEN

Promotion of work for women

- Night work for women in industry is forbidden. Certain kinds of work are forbidden to women as being ethically unsuitable (article 231 of the Labour Code).

- Protection of the social function of women (maternity).

- All pregnant women whose state has been medically certified may break their work contracts after informing their employer 24 hours in advance, except in the case of acts of God, without a compensatory payment for the period of notice.

The Labour Code stipulates that at the time of childbirth all women may claim 14 consecutive weeks maternity leave, six weeks before and eight weeks after childbirth. The rules governing the subject provide leave for the father. During maternity leave the prospective mother is entitled to free care and to the pay which she was receiving at the time of suspension of the working contract, under the terms fixed by the social welfare code. When the woman cannot resume work at the end of her maternity leave because of illness the suspension of the work contract takes effect from the first day of the leave.

In such a case the employer is obliged to pay compensation from the first day of the extension under the terms fixed by the Labour Code for a period of 15 months starting from the birth of the child. The mother is entitled to time off for breastfeeding at her place of work, the total duration of this time off not exceeding one hour per working day.

These stoppages may not result in reduced pay. Women also have the benefit of equal pay (Convention 100); further, Malian legislation provides for equal pay among male and female personnel for the same kind of work.

OCCUPATIONAL TRAINING AND ACCESS TO EMPLOYMENT

Occupational training and apprenticeship exclude any form of discrimination based on race, colour or sex.

Access to occupational training, to employment and to various trades is open to all under the same conditions. Collective conventions lay down that the enterprise shall accord all facilities to workers without any distinction to enable them to complete their occupational training. The enterprise has to consider all the applications and adopt all measures enabling workers to continue their training either by evening courses or advanced study within the enterprise or by specialized training courses.

To this end the appropriate documentation is given to the workers as a loan during their training. The employment and placement services and the labour inspection services ensure that the national policy of promoting equal chances and equal treatment is observed.

Public information on the policy of non-discrimination in employment and occupations is widely publicized among the workers (especially during the workers information meetings) and action is taken by staff delegates to see that the social legislation is applied and to promote acceptance and implementation of a policy of equal chances and equal treatment in employment.

(Right to post notices - article 329 of the Labour Code).

The labour tribunals have never taken any decision that could lead to discrimination in employment and occupation. The organizations representing the employers and workers have never made any comment regarding the practical application of measures giving effect to the provisions of international instruments ratified by our country.

As can be seen from the above, the Government of the Republic of Mali in making the promotion and protection of women one of its concerns has taken up the challenge in discrimination against women in all spheres.

IN HEALTH AND SOCIAL AFFAIRS

The health situation in Mali is characterized by:

- Extensive disease
- Greatly limited resources
- A population strongly influenced by its traditional environment.

This situation is all the more critical in that the vulnerable groups are the most numerous:

Population of rural areas - 80 per cent

Children between 0 and 14 years - 43.5 per cent

Women of child-bearing age - 20.83 per cent

Reproduction rate - 181.3 per 0/00

Number of children per woman - about seven

The policy of mother and child health began during the colonial period with the setting up of urban maternity homes in the principal populated points, and with the training of African midwives and visiting nurses.

Towards the end of the 1950s, activities benefiting the mother and child underwent progress with the opening of the mother and child hygiene centres by the Family Allowance Office, now the National Institute for Social Welfare (INPS).

Following Independence, the Government became aware of the importance of the mother-child group and set up these centres on a broader basis. Thus the maternity homes have been attached to all the hospitals and health centres. Activities are now conducted in all the regions and districts, in most of the villages and in Bamako district.

The establishment in 1972 of the Malian Association for Protecting and Promoting the Family, and the Family Planning Pilot Centre have helped to broaden the scope of the activities benefiting mother and child.

Since 1978 family planning activities have been steadily taken over by the maternity homes and centres for mother and child protection.

To supervise all these structures and to co-ordinate their activities the section in charge of the mother and child protection centres was turned into the Family Health Service in 1975, and then became the Division for Family Health in 1980, coming under the National Directorate for Public Health. It comprises three sections, which are:

- Mother and child protection and family planning
- Nutrition
- Health education.

Since Mali supports the policy of primary medical care, it has undertaken the retraining of the traditional accoucheurs and the instruction of midwives throughout the country.

The extended vaccination programme, which was officially launched by the Head of State, is in process of implementation and at the present stage covers almost all regions. The aim of it is to reduce the sickness and death rate due to six contagious diseases prevailing in the endemo-epidemic form in the country and presenting a major problem to public health. This objective is part of the 10 year plan for social and health development in Mali (1981-1990), which was revised in 1983 and provides more especially for the immunization of all children between 0 and six against measles, poliomyelitis, whooping cough, tetanus, tuberculosis and diphtheria, and the immunization of pregnant women against tetanus.

Efforts deployed in the sphere of family nutrition and health by some of the United Nations institutions and the non-governmental organizations are also very appreciable. Furthermore, the position of certain categories of women who represent special cases has been given attention by the authorities. This relates among other things to women looking after a family, handicapped women and elderly women without resources, as well as to populations displaced because of drought, which consist mostly of women and children.

The National Directorate for Social Affairs is also engaged in family health activities as part of its social action programme. The social centres have been available for a long time for pre-natal consultations and advice on breastfeeding. Advice on breastfeeding, health education and nutrition, and vaccination are also conducted in certain institutions. The role played by social workers in public information and in making the population more aware of the problems of family health is considerable.

A network of 91 pre-school establishments now enables a large number of women to bring their occupational and family activities nearer together.

RURAL AREA

The National Directorate for Co-operative Action looks after numerous women's centres; the women are treated in exactly the same way as the men in the service (women carry out missions inside and outside the country in the same way as men, receive the same salaries and enjoy the same benefits).

In this respect the National Directorate for Co-operative Action, aware of the important part played by women in the countryside in the socio-economic development of the country, is promoting and encouraging effective participation by women in the Malian co-operative movement so as to overcome the problems that women face.

Further, a "Women's Promotion" section was set up within the National Directorate for Co-operative Action in 1975.

This section is intended to mobilize women for the purpose of taking part in co-operative activities.

Malian women are not only mothers or housewives - they are also productive in agriculture, cattle breeding, commerce and on occasion they are entrepreneurs.

In the countryside they are always labouring and devote themselves to tasks that are often highly complex. The women working on projects enjoy the benefit of agricultural credit.

The National Directorate for Co-operative Action has set itself the goals to be reached within the next five years through projects for the economic and social promotion of women, especially in the rural environment. The aims envisaged in the project are as follows:

- An increase in the women's co-operatives and their participation in the process of national development;

- An increase in their income.

The objectives in view deal by and large with the economic and social promotion of rural women, more especially the members of women's co-operatives either specialized or multi-functional in such activities as:

- Production: agriculture, market gardening, handicrafts;

- Processing of agricultural and market gardening products as well as products obtained by gathering and from stock breeding (honey, milk, karite).

- Breeding: small ruminants, small rodents and poultry;

- Savings and credit: interlinking of savings, tontine arrangements for women in economically viable activities (mills, sowing, farming loans etc.);

- Hygiene and primary medical care: setting up of women's committees within the rural co-operatives and making them more active;

- Training and education;

- Granting of working capital to certain co-operatives;

- Provision of local equipment and logistic resources for certain co-operatives.

The co-operative movement in Mali is the best place for the promotion of women and, what is better, a framework within which and on the basis of which there can be increased action to eliminate forms of discrimination against women in the country's socio-economic development, in the form of consultations, collaboration and increased responsibility for men and women from the co-operative organizations in the form of participational development.

To enable women to have more direct access to bank credit, the UNFM has joined the Women's World banking organization.

Just as in the socio-economic activity sectors, discrimination against women is tending to disappear in the field of national defence.

Continuing to develop as part of the overall progress made by our society, and convinced of the role that women can play in the process of the socio-economic development of our country, the Malian armed forces cannot stand aside from the national efforts to meet an ever-growing need for Malian women to be recognized as responsible human beings with the right and the duty to take part in all activities involved in national construction. This is the concept underlying the recruitment of female personnel in the armed forces.

The process of "feminization" of some of our services within the armed forces has started with the recruitment on a voluntary basis, in the same way as for male personnel, of a limited number of girls (first for the police in which the numbers are relatively complete, then in the territorial army and the Central Directorate of Army Health Services). Nevertheless, the first "major" contingent of women was taken on in 1985 by the territorial army. This operation was extended in 1986 to the air force. The recruitment of young women for the army, which is now at the initial stage, calls for a much more thorough consideration in that female personnel show certain characteristics that have to be recognized and dealt with as experience is gained.

Since they are evolving within a context beyond their normal and traditional domain, we find women in only a few branches of the armed forces. Although very dedicated and anxious to make a career, they are not for the moment, employed in combatant units. The special branches open to them are for the most part administrative.

However, we should note the opening up of possibilities, more and more pronounced, in the technical branches, especially communications, engineering and health. Moreover, it is their own wish that they should have broader chances of employment in terms of active and dynamic careers.

Another way in which female personnel can be recruited by the armed forces is the National Youth Service (SNJ).

The concept of the recruitment of young women through the SNJ stems from application of the provisions for compulsory military service at all levels of the population of Mali. Initially intended for men admitted by competition to the civil service, the SNJ has been extended to cover women.

Making up a total of about 500 persons, the female contingent in the SNJ occupies an important place in the provision of services. Apart from the diversity of special technical fields involved, these women can, if the openings are made available to them, broaden the range of their employment by the armed forces.

Two women (a civil engineer and a doctor) who completed the SNJ have joined the armed forces and been allowed to continue their studies at the Inter-army Military School.

Generally speaking, the young women enjoy the rights and advantages of promotion to higher grades, training, and remuneration and at the present time the highest ranking women are captains who have important posts.

CONCLUSIONS

Even before the adoption of the present Convention by the United Nations on 18 December 1979, the Republic of Mali had already made considerable efforts to eliminate the different forms of discrimination against women by acceding to or ratifying all the conventions on human rights.

After the ratification on 12 July 1985, application of the Convention in our country has shown genuine progress with the implementation of administrative, legislative measures.

However, as in any other human endeavour, these multifaceted measures are not perfect and there is much to be done in the following areas:

- Two internal civil laws, for which there appears to be non-conformity with the provisions of the present convention in that article 15.2 stipulates "States parties shall accord to women, in civil matters, a legal capacity identical to that of men and the same opportunities to exercise that capacity". This concerns, first, the law governing the code of marriage and guardianship (articles 36 and 38) and, second, the law governing the commercial code (article 4) which states, among other things, the need for a married woman desiring to enter into commerce to obtain in advance the permission of her husband; this is equivalent to partial incapacity for enjoyment of the right. It should be noted, however, that this partial incapacity is only a deviation on a theoretical level and that it is more apparent than real in the sense that article 4 of the commercial code does not provide for the need for marital permission except for "the non-exclusive regimes of the community". The common law system in Mali is that of the separation of property. This means that in practice in most cases the married woman will have full capacity to practice commerce if that is her choice.

- The armed forces where the presence of women is still of little significance;

- Administration and high diplomacy: although there are women in the Government, there is not yet any female presence in posts involving command or in diplomacy.

It should be noted that there are draft texts under consideration to eliminate from Malian positive law all forms of discrimination against women. In conclusion, it has to be recognized that despite the backward attitudes and certain imperfections mentioned above, genuine progress has been made in the application of the Convention in Mali.

Bamako, 6 January 1988

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Initial reports of States parties

HONDURAS

V.87 81837 8426E

PART I

(a) SOCIAL CONTEXT

The Government of Honduras signed the Convention on the Elimination of all Forms of Discrimination Against Women on 14 May 1980 and ratified it on 10 September 1980 by Decree No. 979, published in Official Gazette No. 232003. The ratification instrument was deposited with the United Nations Secretariat in November 1982.

The national health policy of the Government of Honduras, which is being implemented by the Office of the Secretary of State for Public Health, sets out the following with regard to women:

Priority shall be given to those groups which are disadvantaged in their access to health services, those groups at greatest risk (such as children under 5 years of age, pregnant women and workers) and, basically, those who live in the most socially and economically depressed geographical areas (rural areas and the outlying areas around large cities). Efforts will be made to alleviate the prevailing negative situations, such as malnutrition and infectious and/or transmissible diseases that can be controlled by simple sanitation techniques or prevented by immunization.

BASIC PROGRAMMES

(a) Health of the mother and child - the most important components will include pre-natal care, breast-feeding, assistance during confinement and care for new-born infants, monitoring of the growth and development of children under 5 years of age and family planning (understood not as a synonym for contraception, but rather as a reflection of the right of each family to seek its own well-being and its duty to take its place in society in a way that promotes the common good).

LEGAL MEASURES

The National Congress of Honduras promulgated the Family Code on 11 May 1984 by Decree No. 76-84. It entered into force one year later.

THE PENAL CODE

The Code was promulgated on 23 August 1983 and entered into force one year later, on 24 August 1984.

It abolished some laws which had been totally discriminatory against women. A small section referring to women is included. None the less, in the Agrarian Reform Act there is still discrimination against unmarried women, who are not covered by the agrarian reform.

The 1982 Constitution of the Republic reiterates the article of the 1965 Constitution which states: Article 60 - All men are born free and equal in rights. In Honduras there are no privileged classes. All Hondurans are equal before the law. It should say: All human beings are born free and equal in rights, as stated in the United Nations Universal Declaration of Human Rights.

Article 6 of the Convention requires that the States parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation of prostitution of women.

Honduras has not yet signed the convention for the suppression of the white slave traffic. Exploitation of prostitution unfortunately continues to be a blemish on Honduran society.

POLITICAL LIFE

Women in Honduras have the same political rights as men, to elect and to be elected. However, the political parties, above all the traditional ones, do discriminate against women. We have only two women as full deputies and 17 as alternates, and one woman Secretary of State.

EDUCATION

As far as education is concerned discrimination does not come from the State, but from the families themselves, particularly in rural areas where parents make male children work from a very early age, and they therefore leave school.

LABOUR

According to the Labour Code, women must earn the same wages as men for the same work although, in practice, there is serious discrimination against women, particularly during the child-bearing period when the employer avoids paying maternity benefits and fails to provide sufficient crèche facilities.

There are enterprises which do not accept pregnant women. This does not happen in the Government sector, where the benefits established by the Social Security Institute, the Civil Service Act and the Labour Code are applied.

There are no institutions or authorities responsible for ensuring respect in practice for the principle of equality between men and women or providing recourse for women who have been the subject of discrimination.

ANNEX I

From the Penal Code promulgated on 23 August 1983
(entered into force one year later)

BOOK 2

SPECIAL PART

TITLE I

CRIMES AGAINST LIFE AND PHYSICAL INTEGRITY

Excerpts from: CHAPTER I

HOMICIDE

The exemption from criminal liability contained in article 7, subparagraph 15, of the 1906 Penal Code for a husband who, on surprising his wife in the act of adultery, kills, injures or abuses her or her accomplice has now been replaced by a specific offence punished by a lesser penalty than that for common homicide in the case of a person who, on surprising his spouse in the act of intercourse with another, kills or injures either or both of them, provided that the guilty party has a record of previous good behaviour and that the opportunity for committing the crime was not provoked or simply facilitated by knowledge of the conjugal infidelity. This provision also applies, in the same circumstances, to parents with regard to corruptors of their daughters aged less than 21 years while they are living in the family home (art. 122). The exemption from criminal liability applies only in the event that the injuries caused are those covered by article 136.

In the case of a mother who takes the life of her own new-born child, although this remains a heinous act in whatever light it is seen, to a certain degree her conduct or her act may have been justified in that, after the confinement, she may be suffering from the effects of a psychological trauma elicited by the prospect of her future life, if she conceived while unmarried or as a result of any other "unforeseen" circumstance.

Excerpts from: CHAPTER II

ABORTION

Article 130 regulates abortion carried out to eliminate the product of a rape. This legal category is not contemplated by the 1906 Penal Code. This provision takes account both of the age of the victim and of her mental status and psychic development. The article in question makes it punishable to carry out an abortion to eliminate the product of a rape if the woman was over 15 years of age and did not consent to it. On the other hand, when such an abortion is carried out with the consent of the woman, her husband, her conjugal partner or her parents, if she is less than 15 years of age or suffering from a mental deficiency or incomplete or retarded psychic development, none is subject to punishment.

The same exemption from liability is provided for in the case of an abortion carried out by a doctor with the consent of the woman and the persons mentioned in article 130 to save her life or to safeguard her health if it is seriously undermined or threatened by the process of pregnancy, or else to prevent the birth of a potentially defective child (article 131).

TITLE II

OFFENCES AGAINST SEXUAL FREEDOM AND DECENCY

The heading "offences against sexual freedom and decency" (delitos contra la libertad sexual y la honestidad) has been used to bring together, in Title II, Book II, of this Code, with a few exceptions, those listed under the heading "Offences against decency" in Title X, Book II, of the 1906 Code, namely rape, seduction, corruption of minors, procuring, offences against public decency and abduction.

Precisely because there has been no uniformity in respect of legally protected goods or interests, serious discussion has arisen regarding the appropriate generic designation of all of the offences included under the Title in question, since some legislations or authors refer to them as "offences against decency" (delitos contra la honestidad), others "against modesty" (contra el pudor) or against "sexual freedom" (libertad sexual), etc. To resolve this question of terminology, it has been decided to group them under the above heading: "Offences against sexual freedom and decency", since it is clear that all of the offences covered by this heading violate some relevant legal good.

Furthermore, for technical reasons the offence of incest has been removed from this family of offences and incorporated in Title IV of the same Book, which deals with offences against civil status and family order. In this connection, it should be stressed that, notwithstanding the authoritative opinion expressed by Jiménez de Asúa, who classifies offences against public decency taking the form of acts of exhibitionism as an illness and not as an offence, it has been been decided that such acts shall be punished as an offence under article 141 of this Code since, in the event of doubt in specific cases, the same provision has laid down the basis for settling such doubts by establishing the causes of non-imputability.

The offences under the heading of offences against "public decency" in Chapter III, Book II, of the 1906 Code have been removed from the list of offences because some of the acts covered by them are subsumed under other offences or misdemeanours punishable under the new Code, whereas others merit at most moral strictures.

Both in the 1906 legislation and in previous legislation, all the offences included in Title II, Book II, of this Code are clearly defined and this definition has been substantially maintained, with some slight differentiations, almost of nuance, as well as those necessitated with reference to the relevant sanctions in the new penalty-individualization system adopted.

The same cannot be said with regard to the offence of rape. This is because, even for jurists familiar with the discipline of criminal law, who are used to thinking of this offence as the act of lying with a woman by means of force or intimidation or when the woman has been deprived of reason or consciousness by whatever cause, or is under 12 years of age, when these circumstances are not all given, and in such a way that the woman alone could be imagined to be the passive subject, it can be expected that a reaction of doubt will be elicited by the fact that article 140 of this Code qualifies rape as carnal union with a person of either sex, given some of the circumstances indicated, or either of the following, which are new features of the definition of the offence: that it is committed "with a detained or imprisoned person, provided that the guilty party was said person's guard or custodian" or "when done fraudulently, with the guilty party taking the place of another person".

However, the fact is that, as regards the substantive form introduced into the description of the offence in question, i.e., the possibility of committing it on a person of either sex and not only a woman, Honduras has followed the trend set by other modern legislations - in Uruguay, Colombia, Ecuador and Costa Rica, among others - because it considered this to be juridically justified and since the legal history of our country exhibits cases of adult men who have carnally and unnaturally abused minors by the use of violence. In such cases the law itself has decreed that the courts should view and penalize such action with leniency, under the 1906 Code, as mere "indecent assault". In short, considering that the physical or organic damage and the mental trauma that such acts may cause in a male victim may be equal to or even more serious than those which occur when the victim is a female, this Code has included them under the offence of rape.

Another new feature which has been introduced in article 145, as regards the abduction of a girl aged over 12 and under 21 for indecent purposes or for matrimony, but with her consent, is the provision, in contrast to the 1906 Code, that for such an abduction to qualify as an offence, the woman must be of good reputation and not necessarily a virgin. In support of this change it is worth referring to the authoritative opinion of some writers, in whose view good reputation deserves better legal protection as a moral quality than a state of virginity, which is a contingent physical condition that does not with certainty exclude depravation or immorality. Furthermore, a great deal of precedent law has been established by the Spanish Supreme Court in interpretation of the article corresponding to our own, which requires that the victim be a virgin if the act is to qualify as this offence, holding that an offence has occurred even though this circumstance has not been fulfilled, in view of the serious prejudice suffered by the family out of which the victim was abducted.

With regard to the offence of abduction, article 147 establishes the presumption juris tantum that it has not been carried out with indecent intent.

Finally, with regard to Title II, Book II, in Chapter II, General Provisions, the following should be stressed: everyone knows that, considering the humiliation and stigma for the victim and his or her family resulting from the offences of rape, abduction, seduction and corruption of minors, the 1906 Code reserved the right to proceed individually against the guilty party by complaint (denuncia) or private prosecution (guerella) to the aggrieved person and if he or she did not have the capacity to appear before the court, by reason of age or moral state, to the parents, grandparents, siblings or guardians, in the order established by the Procedural Code (which does not definitely determine this order and refers back to the Penal Code for which reson the order of listing has been assumed). If the aggrieved person was completely destitute, the charge had to be brought by the municipal counsel (sindico municipal) or the public prosecutor, on grounds of public decency. However, it is an undeniable fact that, as regards offences against sexual freedom and decency, apart from the parents and possibly the grandparents and a few blood relatives of the victim, nobody takes care that those responsible for the offence should receive adequate punishment by initiating the proceedings provided for by the law of procedure and it is amazing to contemplate the indifference with which the municipal counsel and public prosecutors sit back and watch these offences taking place within their respective jurisdictions. It is for this reason that this Code contemplates the possibility, as an exception, of proceeding automatically or by public prosecution, i.e.: 1. When a minor with no father, mother or guardian is involved; 2. When the offence is accompanied by another offence which may be prosecuted automatically or has been committed by the parents or guardians, as may be inferred from article 152.

ANNEX II

REPUBLIC OF HONDURAS

Secretary of State for Public Health
Tegucigalpa, 1986

NATIONAL HEALTH POLICY

The health situation

1. The health situation in Honduras is closely related to the social, economic, political and cultural factors in the development of our country. Any analysis of it must include, as well as biomedical details, an indication of the great disparities which exist between the different groups of the population with reference to levels of health, allocation and distribution of available resources and access to services of all kinds, including specific health sector services.

2. There is a close relationship between economic level and social level. It is widely known that the possibility for a family to enjoy a better level of health depends on greater economic income and the way in which it is connected with the means of producing it. Furthermore, children from rural and urban outskirt areas of course run a greater risk of disease and death than those in families in which the mother and other family members are more educated.

3. It has been shown that members of families having an annual income exceeding L 10,000 suffer virtually no malnutrition. When the annual income level is between L 5,000 and L 10,000, there may be as much as 20 per cent malnutrition. In Honduras 40 per cent of families have incomes of under L 1,000 per annum. There is also a close relationship between land ownership and health, measured by nutritional level. More than 70 per cent of all children under five suffering from malnutrition in Honduras are found in families which do not own a plot of land; 15 per cent are found in families which have up to two hectares, and practically none in families which have more than five hectares.

4. Consequently, when viewed as an integral element of well-being, health cannot be the exclusive product of action in the health sector, but rather represents the interaction of the effects generated by all the sectors involved in the production of national goods and services. Without ignoring or evading the responsibility incumbent on the health sector in building health, it must be stressed that health is a social product in which each of the sectors into which the State is organized has an important role to play.

5. One of the most acceptable ways of measuring the well-being of the people is to use health indicators, one of the most appropriate of which is the state of health of the children. Mortality among children under one year of age is an indicator for measuring the overall state of health of a country's people.

In 1985, the average infant mortality rate in Honduras was 70 per 1,000, in relation to a general mortality rate of 8.3 per 1,000 inhabitants and a life expectancy at birth of 62 years. Although the level of infant mortality is still high, the trend in the last decade shows a marked and consistent downturn. Nevertheless, the gap between the infant mortality level in the towns (50.9/1,000) and in the countryside (93.5/1,000) is widening because the urban health indicators are improving more rapidly, even though both levels are tending to decline. The children of parents who work on the land and of peasants run a greater risk of dying in the first year of life. When examined in the light of the mother's education, the group with the highest infant mortality are children of women with

no education whatsoever, whether in the countryside or in the towns, and these women account for slightly over 50 per cent of all births. The highest levels - over 110/1,000 - remain those in the western regions of the country.

6. In general the level of health is dependent on:

(a) Nutrition (80 per cent of children under five suffer some degree of malnutrition);

(b) Local sanitation (inadequate water supplies, minimal provision for the removal of excreta and the disposal of refuse);

(c) Economic and geographical accessibility of services (30 per cent of the population receive no health care at all);

(d) Cultural aspects.

There are other equally important determinants which fall outside the sphere of action of the health sector. Illiteracy among persons more than 10 years old is one of the most serious problems facing Honduras and the most optimistic estimates indicate that 40 per cent of this group of the population are illiterate. As far as housing is concerned, apart from those factors inherent in the inadequate hygienic conditions of a broad sector of the population, it is calculated that there is a housing deficit of 450,000 dwelling units. It is thought that this deficit is fundamentally the result of the high rate of population growth, the high level of migration from the countryside to the towns and low per capita income.

Theory, policies and objectives

7. It is inconceivable that the country could be developed without first developing the Honduran man. Man must be the supreme aim of our society. We have an inescapable mandate to transform him into a being capable of devoting his entire creative potential to productive work, which is the principal source of our wealth. From this point of view, the protection of the human being, expressed in terms of attention to his health, is a prerequisite for social development. Among the components of social development health has a double function as a means and as an end: as an end it is part of the well-being of the individual and as a means it contributes to economic development for the achievement of well-being.

8. Social justice is a condition whereby man has his basic needs satisfied and has the opportunity of individual and collective fulfilment. With this in mind, we shall increase our action in constructing a system of protection which, while acknowledging the right of all Hondurans, contributes to reducing the disparities in the health sector by giving coverage to the 30 per cent of inhabitants who lack any kind of care and the more than 15 per cent who receive sporadic care.

9. The Constitution of the Republic refers to health as a right and duty for all citizens and indicates the guiding role that the Ministry of Health should play. Converting the right to health into a reality is one of the basic targets of the National Health Plan.

The right to health does not embody only a legal relationship resulting from the obligation of the State towards the inhabitants of the country. It also includes a person-to-person relationship, which is why no-one may evade the obligations imposed by health-related activities.

10. Solidarity is a fundamental principle which postulates the aim of social change and one of the means of achieving justice in this field is the abolition of an individualistic attitude and its replacement by one of mutual co-operation. It goes hand in hand with the notions of integration with reference to the areas of health care, universality, implying the protection of every human being and equity conceived as the main criterion for the identification and integration of human groups marginalized for various reasons and exposed to social risks of a kind and magnitude arising out of their particular living conditions.

11. The health services system will endeavour to extend health care coverage (adequate in terms of quality, quantity and timeliness) gradually to achieve the target of "health for all by the year 2000". This target involves by that time guaranteeing all Hondurans a level of health making it possible for them to enjoy a decent, socially useful and economically productive life.

Priority will be given to groups of people who do not have proper access to health services and sectors of the population at greatest risk, such as children under five, pregnant women and workers, basically those who live in the socially and economically most depressed geographical areas (in the countryside and on the outskirts of large towns). The aim will be to alleviate the prevailing negative situations, such as malnutrition and infectious and/or transmissible diseases that can be controlled by simple sanitation technology or prevented by immunization. There will be a gradual reduction in the large disparities in the health levels of different sectors of the population, and the unjust distribution of resources allocated by society for the promotion and protection of health will be corrected.

Basic programmes

12. The health of the Honduran population will depend on universal participation in this process. It will be developed as a function of the priorities established, on which the whole national effort must be focused.

The democratization of health will be a component part of the general democratic process taking place in the country.

In the planning and preferential implemention of activities, efforts will be concentrated on programmes and projects designed to deal with those areas to which priority is assigned, which will constitute the basis for extending the coverage provided by the system of basic health services. The basic programme components will be as follows:

(a) Health of the mother and child, the most noteworthy components of which will include pre-natal care, breast-feeding, attention during confinement and care for newborn infants, monitoring of the growth and development of children under five and family planning, not conceived of as a synonym for contraception, but rather as a reflection of the right of each family to seek its own well-being and its duty to take its place in society in a way that promotes the common good.

(b) Food and nutrition, which will give preferential attention to pregnant women, breast-feeding mothers and children under five, who are considered to be at greatest risk, with activities primarily designed for the monitoring and early prevention of malnutrition.

(c) Control of diarrhoeal diseases, designed to reduce the risks of illness and death by dehydration caused by diarrhoea. Measures will be focused mainly on the prevention and timely treatment of dehydration by administration of hydrating salts, promotion of breast-feeding and individual and collective health education.

(d) Acute respiratory infections, focused on the prevention and treatment of these problems which, together with diarrhoea, are responsible for over half the cases of infant mortality.

(e) Extended immunization programme, designed to achieve total and lasting coverage, in the shortest possible time, by means of vaccination against poliomyelitis, DPT (diphtheria, pertussis and tetanus), measles and BCG (Calmette-Guérin Bacillus) for children under one and tetanus toxoid for pregnant women.

(f) Water and sanitation, focusing on improving the environment by means of the adequate provision of drinking water and sanitary arrangements for disposal of excreta and solid waste as a means of eliminating the vectors transmitting diseases on the priority control list.

(g) Malaria control: This disease is one of the most frequent causes of illness and its control can only be achieved by means of an adequate programme and a system of permanent and ongoing monitoring.

These fundamental guidelines for available resources must not be taken as a disavowal of the need for implementation of the remainder of the programmes or attention to other health problems, activities in respect of which are designed to supplement the basic measures.

Strategies

13. In order to implement the policies and achieve these objectives and the target, the system will develop machinery by means of which the health sector may permanently reorganize its activities and resources in line with the needs of the population at large, which will in addition enable it to meet the requirements of and establish the necessary co-ordination with other national development sectors whose activities have a significant impact on achieving the target.

14. We consider that the full, conscious, orderly, effective, responsible and informed participation of the community in realizing its well-being is essential for obtaining and maintaining an adequate level of health. This participation, which must be made viable through democratic and practical machineries, relates not only to the provision of human resources capable of producing community action, but also, fundamentally, to the identification and determination of priorities among problems, the planning of services capable of dealing with them and the administration of the relevant programmes, including the follow-up, monitoring and evaluation of their implementation. Use will be made of all forms of formal and informal association, either existing or potential, as a function of the development of health in Honduras.

15. We shall make the necessary efforts to bring about co-ordinated and effective action of all the institutions in the health sector, as well as among the other sectors whose objectives affect or supplement those of the health sector. This intra- and multi-sectoral action will be promoted at all levels, from the formulation of common policies and concrete programmes, with the clear definition of specific and complementary responsibilities, to the implementation and comprehensive evaluation of such programmes.

From this multi-sectoral standpoint and in order to facilitate inter-sectoral co-ordination, the necessary steps will be taken to provide sufficient institutional coherence to bring about enhanced efficiency in the health sector and to strengthen the position of the Ministry in pursuance of the terms of the Constitution.

16. Conditioning people's behaviour with regard to health and developing an attitude in line with the new requirements, both on the part of the provider of the services and on that of the user, is a crucial factor in implementation of the programmes. Health-building depends to a large degree on decisions taken by individuals on a day-by-day basis, within families and communities, and therefore health education designed to bring about significant behavioural changes will be one of our principal tasks and will be an integrating element in all the programmes, placing emphasis on the formulation and implementation of a national programme incorporating innovative methods and techniques.

17. It will be a basic strategy to enable the health services system to cope with requirements. It must be made possible to channel resources to areas to which priority is assigned. The strategy will be based on an upgrading of care, from the most elementary to the most complex levels, and decentralization in the general administration of the programming, implementation and evaluation of activities and the management of financial, human, physical and technological resources.

18. The development, tailoring and use of technologies suited to the country's real situation and its resources will be intensified, giving priority to those technologies which make it feasible to achieve the objectives envisaged. This will include the proper selection of existing technologies and the development of new ones. The University, technical institutes, research institutes, health services and scientific organizations must co-ordinate their efforts in this task, and it must focus on the orientation and updating of the human resources of the health system.

19. The development of human resources is essential for translating the policy into programmes of effective action. Members of the family, the community and work centres, as well as the professionals and technicians of specialized scientific institutions will be involved. The efforts devoted to appropriate planning of the human resources that the system requires merit special attention.

In this process use will be made of new educational and institutional technologies designed for dissemination of knowledge and development of the capacities essential for enhancing the effectiveness of the system.

20. Reinforcing the supply sub-system to ensure the timely provision and appropriate handling of medicines and other critical inputs will be a basic strategy feature. Efforts will be made to expand the capacity and means of production of the pharmaceutical laboratory of the National Juvenile Affairs Board and the country's pharmaceutical industry in general with regard to medicines considered to be essential, in so far as evaluations indicate that the market is adequate and the technology appropriate for generating prices favourable to consumers. One aspect of this is the development of suitable systems to guarantee access to essential medicines for the entire population.

21. Without doubt, an essential feature of this crusade will be external financial and technical co-operation. By "external co-operation", in whatever form, is understood a supplement to the national effort, which will be accepted when it is in line with the objectives fixed by the country.

The health system

22. The financial investments allocated for physical infrastructure will be used for the completion and start-up of health establishments, gradually, as operating resources make it possible to assimilate the hospital infrastructure under construction and the remodelling and equipping of the existing infrastructure. The highest priority in this area will be assigned to investments for the installation and equipping of the peripheral health units which constitute the basis for

extension of coverage to sectors of the population which lack permanent services, and provision of human resources for those units. The emphasis will none the less be placed on the development of sub-systems making it possible to enhance the output of already existing infrastructure.

23. This reorientation of the health system will require the search for non-traditional sources of financing and for flexible and functional machinery designed to:

(a) Promote the democratic, participatory and decentralized formulation of plans, programmes and projects to translate the policy into action at all levels;

(b) Strengthen the planning and administrative processes to ensure efficiency and effectiveness;

(c) Develop local programming processes, with their principal programming, supervisory and information-system components, thereby bringing about a commitment to action with the national community;

(d) Strengthen the logistics and maintenance sub-systems so that the system may function properly;

(e) Improve and seek sources of financing to ensure that development is focused on the critical aspects of the system;

(f) Modernize and update the Health Code, which defines the legal framework for protection of the people's health in line with the country's real situation.

The commitment

24. Finally, we wish to point out that these policy guidelines can be fulfilled only if they are internalized by the institutions in the sector, all health workers and all national organizations. The commitment to the people, the accomplishment of the undertaking with the greatest possible conviction, enthusiasm and devotion to the work being done and the development of a service mystique and an unshakeable faith in what is being done will be the factors that can overcome the obstacles arising.

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Convention on the Elimination of all Forms of Discrimination Against Women

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

ROMANIA

V.87 81843 8524E

I

(a) The Socialist Republic of Romania ratified the Convention on the Elimination of All Forms of Discrimination against Women by Decree No. 342/1981.

In Romanian socialist society the exploitation of man by man has been eliminated. There is at present a perfect unity of interests between the individual and society, since the obstacles to the promotion of full equality between citizens have been removed. As a result, all discrimination against women, who are equal in rights with men, has disappeared.

The full equality of rights between men and women in all fields of economic, political, legal, social and cultural life is enshrined without reservation both in the country's Constitution and in all Romanian legislation, which also provides effective guarantees for the exercise of equality of rights.

Article 23 of the Constitution, adopted by the Great National Assembly on 21 August 1965, affirms the principle that "in the Socialist Republic of Romania women enjoy the same rights as men".

In Romania, the exercise of full equality of rights for women and men is an integral part of the overall policy of the State. In accordance with this idea, equality is regarded as implying concrete and ongoing action aimed at guaranteeing both civil and political rights and economic, social and cultural rights, living conditions and conditions of work, free access to education and science, and equal opportunities in all fields of life.

In order to ensure full equality between the sexes, the country's Constitution and other laws contain both legal and material guarantees, as reflected in the annual and five-year economic and social development plans, in the major development programmes in various sectors of activity, in the State budget, in the continuing growth in the direct and social incomes of the citizens and their standard of living, and in the improved standard of work and quality of life.

(b) In accordance with the concept of the Convention and its provisions in Article 2, equality between the sexes is guaranteed by the domestic legislation of the States Parties.

Before the ratification of the Convention by the State Council, a detailed comparison of its texts with the provisions of the Constitution and those of domestic legislation was accordingly carried out in Romania. This has led to the conclusion that the regulations contained in the Convention were already in accordance with domestic legislation. The provisions of the Convention are taken into account in the drafting of new normative acts. For practical purposes, following the ratification of the Convention on the Elimination of All Forms of Discrimination against Women, the provisions of that Convention have been incorporated in Romania's domestic legislation.

(c) In Romanian society, where women have acquired a new social, political and legal status, the guarantee, by the organs of the State and the mass and social organizations, of full equality between women and men is subject to continuing scrutiny and control by the bodies established by law.

Apart from the means of redress and control generally recognized in other legal systems (the right to legal redress in the case of acts which infringe perfect equality of rights and acts which give rise to prejudice, and the safeguarding of legality through administrative channels), there are various other forms of safeguards: the overall supervision of the application of the

Constitution exercised by the Grand National Assembly (Article 43, section 14), the supervision of the application of the laws and decisions of the Grand National Assembly exercised by the State Council (Article 64, section 6), the supervision of the activities of the Council of Ministers, ministries and other central administrative bodies of the State and the activities of the Public Prosecutor's Office exercised by the Grand National Assembly and the State Council, the supervision exercised over the decisions of the people's councils (local organs of the State administration), the supervision of legality exercised by the Public Prosecutor's Office over the activities of the State administrative organs, and the system of investigation of petitions under Law No. 1/1978, aimed at securing, through wide-ranging control, prompt settlement of complaints against acts contrary to law which would infringe their rights.

In respect of labour, the bodies responsible for ensuring observance of equality between women and men are the bodies responsible for labour law: the adjudication commissions and the courts, the supervisory and co-ordination bodies of the Ministry of Labour, the departmental directorates of labour and social assistance and the State Inspectorate for Labour Protection, as well as non-governmental bodies - the trade unions and women's commissions.

(d) The exercise of the rights conferred on women, and the guarantee of their participation and promotion in all fields, including labour, are taken into account by all the competent bodies in the preparation of draft normative acts, and in the adoption by the competent State organs of measures reflecting, in the form of policy decisions, greater participation by women in social life, the guarantee of appropriate employment, the promotion of women in all spheres of activity and to all State appointments to the highest level, so that their representation is commensurate with the importance and number of women.

In order to promote women within an ever-widening range of occupations and professions, to increase their participation in the activities of enterprises and institutions, and to increase their contribution in all aspects of economic and social life, a programme of organizational and socio-cultural measures has been drawn up at national level for the period 1981-1985 and beyond.

Under this programme, the Ministries and other central State and social organs have prepared, with the aim of utilizing the female workforce, their own programmes of specific measures, according to their fields of activity, in conditions of growing effectiveness, by means of the following:

Better organization of production and labour, the development of small-scale industry, and at-home work;

Improved departmental norms of labour protection for women, in conjunction with new technological processes;

The adoption of adequate medical assistance measures for the protection of health and the preservation of the working capacity of the female workforce and for the monitoring of pregnant women and recent mothers;

More hostels for young women workers; the development of crèches and kindergartens and the adoption of other measures to increase the time available to working women outside their working day;

The selection and promotion of a growing number of women at work to responsible positions, particularly in those branches, sectors and units in which many women are working: light industry, the electronics industry, electrical engineering, retail trade, telecommunications, health protection, teaching, science and culture.

The creation of growing opportunities of access of women to a wide range of occupations and professions is taking place at all stages of planning of training and employment of staff, through a judicious division of labour by sex.

With that aim in mind, priority is being given to girls in training for certain occupations and professions, and specific jobs are reserved for them.

In the context of vocational guidance for the female workforce, an important role is played by the list of vocations, special skills and functions which can be occupied by women particularly. As production becomes more highly technical and conditions of work improve, this list is supplemented by new jobs open to women. As part of their functions, the vocational guidance offices take into account specialized skills in placing women workers in jobs.

Implementation of the aims of the programmes prepared has led in recent years to a constant increase in the number of women recruited or promoted to responsible posts in all sorts of units: this policy is firmly applied.

Women represent almost 40 per cent of the workforce, i.e. more than 3 million, as against only 1 million 20 years ago.

The number of women employed in various sectors of economic activity has increased from one year to the next: in industry, from 26.5 per cent (1965) to 41.5 per cent (1984); in commerce, from 40 per cent (1965) to 65 per cent (1984). In agriculture, women make up 60 per cent of the workforce. In 1984, women represented 87 per cent of workers in the ready-made clothing industry, 74 per cent in the textile industry, 50 per cent in electronics, 40 per cent in the chemical industry, and 30 per cent in mechanical engineering; some 200,000 women are working in teaching; more than 16,000 women participate in the workers' councils (management bodies of economic and social units) and more than 22,000 women belong to the management councils of the agricultural production co-operatives; about 5,000 occupy managerial posts in industrial enterprises or plants or other senior posts in these units.

(e) Since, after its ratification, the Convention forms part of domestic legislation, its provisions can be invoked before the organs of justice and the administrative authorities. Like any other legal provision in force, the provisions of the Convention do not require further incorporation in domestic laws and regulations in order to be taken into account at the legal level by the competent authorities.

In view of the fact that the provisions of the Convention coincide fully with those of Romanian legislation, and in view also of the determining role of the State, through legal norms, in the question of the exercise of full equality between the sexes, and also in view of the fact that the provisions of Romanian law affirm the principle of equality between men and women, the rights and freedoms enjoyed by women without discrimination, exclusions or restrictions in all areas of life are invoked before the Romanian authorities whenever necessary.

This is also explained by the fact that, in view of the actual situation in Romania and the domestic legal framework regarding the question of equality between women and men, which go beyond the minimum standard of rights and freedoms provided by the Convention, the invocation of its provisions before the administrative authorities would not in every case ensure complete satisfaction to the litigant parties. It is therefore sufficient to invoke the provisions of Romanian law.

II

(a) The country's constitutional legal framework ensures complete equality of citizens in all fields of economic, political, social and cultural life without discrimination.

For example, Article 17 of the Constitution of the Socialist Republic of Romania, as currently enforced, provides that "no limitation of these rights and no discrimination as to their exercise according to nationality, race, sex or religion shall be permitted".

Furthermore, Article 18 of the Constitution states that "every citizen has the opportunity to engage, according to his training, in an activity in the economic, administrative, social or cultural fields which shall be remunerated in accordance with its quality and quantity; equal work for equal pay".

The guarantee of the right to work for each citizen is reflected in article 2 of the Labour Code, by which "all citizens, without discrimination or differentiation according to sex, etc. shall be guaranteed the right to work, the opportunity to engage in an activity in all economic, technical and scientific, social or cultural fields, according to aptitude, vocational training and aspiration, and in accordance with the needs of society".

Article 14 of the Labour Code establishes that "women are guaranteed ample opportunities for self-fulfilment, in conditions of full social equality with men, since they enjoy equal remuneration, and special measures of protection, for work equal to that of men. Women benefit from the guaranteed right to occupy any post or job, in accordance with their training, in order to make their contribution to the development of material production and intellectual creativity, while at the same time they are offered the necessary conditions for raising and educating their children".

Under article 8 of the Labour Code and article 1 of Law No. 5/1978 on the organization and management of socialist units, women, upon recruitment to these units, become members enjoying full rights of the collective of the unit concerned and participate in the life of the unit in accordance with this status. They may be elected without any restriction to the collective management bodies of that unit, in which adequate representation of women is guaranteed.

The recruitment and distribution of the labour force are regulated by Law No. 24/1976. Under this law, as indeed in all labour legislation, women have the same job opportunities, and the same criteria for selection are applied as in the case of men. They have the right freely to choose their employment, and contracts of work with the units are drawn up solely on the basis of their consent. The same right is stipulated in article 2 of Law No. 12/1971 on recruitment and promotion in employment in State socialist units.

The prohibition of all forms of discrimination against women, even in respect of recruitment, is also affirmed by criminal law. Under article 247 of the Penal Code, "limitation by an official of the status or exercise of the rights of a citizen, or the imposition upon that citizen of an inferior status because of nationality, race, sex or religion, shall be punished by a prison sentence of between six months and five years".

Pursuant to article 151 of the Labour Code, "in the Socialist Republic of Romania a high value is attached to the work of women, and they are guaranteed the right to occupy any post and any employment, according to their training and competence; at the same time, conditions favourable to all aspects of their personal development will be offered. In remuneration for the work performed by women, the principle "equal pay for equal work" shall be applicable".

The right to remuneration equal to that of men is enshrined in the Constitution (Article 18), the Labour Code (article 151) and in Law No. 57/1974 on remuneration according to the quantity and quality of work. In the preamble to this Law on remuneration it is stated that "in all spheres of activity, each worker shall be remunerated according to the quantity, quality and social importance of his/her work, in accordance with the principle of equal remuneration for equal work".

In addition, in 1957 the Socialist Republic of Romania ratified the ILO Convention Concerning Equal Remuneration for Men and Women for Work of Equal Value, and the provisions of that Convention are adhered to both in current legislative activity and in the application of labour legislation: the periodic reports submitted to ILO are convincing proof of this.

Security of employment is guaranteed by the fact that, under the Labour Code (article 130), the unit may not cancel the contract of work except in cases specified expressly and restrictively. Furthermore, article 46 of the Labour Code prohibits the cancellation of a contract of work on the initiative of the unit during temporary incapacity for work for which social assistance benefits are granted, on grounds of pregnancy, during maternity leave and the period of nursing, during the period of looking after children up to the age of three years and during the military service of the spouse; the exceptions to this are expressly stipulated by law.

In the field of social insurance, the law guarantees employed women the right to a retirement pension and to material benefits in the event of sickness, maternity, and the sickness of a child up to the age of three years.

Under Law No. 3/1977, which deals with State social insurance and social assistance pensions, women have the right to a retirement pension for the work they have performed, and there is a minimum age for voluntary retirement at 55 years for at least 25 years of service (for men the minimum age for voluntary retirement is 60 after at least 30 years of service). At the request of the unit, women may be retired at 57 years, with at least 25 years of service (while for men, retirement at the request of the unit takes place at the age of 62, for at least 30 years of service).

In calculating length of service, the period in which a woman worked part-time in order to bring up her children to the age of six years counts as a period of full-time work.

For women who have had at least three children which they have brought up to the age of 10 years, the retirement age is reduced by one to three years, according to the number of children.

Employed women who take time off from work to bring up their children are supported by the provisions of Law No. 1/1970, which regulates the continuous period of service in work (by which the quota for benefits granted under the social insurance system is fixed) and the continuous period of service in the same unit (on the basis of which the length-of-service supplement is added to the rate of pay).

Under the provisions of this Law, a woman who interrupts her employment to bring up her children to the age of seven years benefits from continuous length of service in the same unit if she resumes work in that unit (or in another unit, if the previous unit consents).

Under Law No. 26/1967, women enjoy the right to paid leave, based on the total length of service at work, and supplementary leave for work in special conditions (injurious, difficult or dangerous), on the same conditions as men; at the request of the employed woman, the paid leave may be granted before maternity leave or as an extension of maternity leave.

As regards health, Law No. 3/1978 on health protection for the population states in article 2 that "the State guarantees the entire population protection and strengthening of health, without distinction as to nationality, race, sex or religion, as well as free medical assistance under conditions stipulated by law".

Pursuant to decision No. 880/1965 of the Council of Ministers and the Central Trade Union Council, employed women enjoy material benefits within the State social insurance system under the same conditions as all personnel working under a contract of employment.

The benefits are granted for temporary incapacity for work, the prevention of illness, recuperation and strengthening of health, for maternity, and in the event of death.

Paid maternity leave is 112 days, of which 52 are before the birth and 60 after it.

While at work, women have the right to break-periods to feed the baby up to the age of nine months (one year for prematurely born or dystrophic infants, etc.). These breaks, of one half hour for three hours of work at maximum, are not deducted from length of service at work; at the request of the woman, the breaks can be replaced by a reduction of two hours in the normal working day (article 156 of the Labour Code).

Employed women benefit from special health protection measures.

The Labour Code (article 152) prohibits the employment of pregnant women and nursing mothers in jobs which are injurious, difficult, or dangerous, or if a doctor so advises; they may not be asked to work overtime; women in the above-mentioned situations are transferred to other jobs without reduction in their pay.

Night work in industrial units is prohibited for women; it is only permitted in specific situations in production sectors specified by the Council of Ministers, by agreement with the Central Council of Trade Unions, and in the cases specified under the terms of the relevant ILO Convention (article 153 of the Labour Code).

Working mothers are assisted by the State, which has developed, both in urban and in rural areas, a network of crèches and kindergartens which ensures that children are looked after in good conditions while their mothers are working in the units where they are employed.

With respect to legislation and the general policy regarding education, since 1975 a number of normative acts on education have entered into force in the Socialist Republic of Romania. Education is called upon to guarantee equality of opportunity for girls and women in all fields and at all levels of education, including:

(1) State Council Decree No. 54/1975 on the job-placement of graduates of daytime courses at higher educational institutions contains provisions guaranteeing equal opportunities to girls and women who have graduated from higher educational institutions in respect of job-placement under the same conditions as all graduates, according to their specialization.

(2) The Law on Education and Teaching No. 28/1978 published in the Official Bulletin, Part I, No. 113/26 March 1978 expressly affirms, in article 2, the right to instruction of all citizens of the Socialist Republic of Romania, without distinction as to nationality, race, sex or religion and without any other restriction which could constitute discrimination.

Every citizen, without distinction as to sex, is guaranteed access to all levels and all forms of education, to free studies at all levels and free textbooks for primary, secondary, high-school and technical-college education. Those graduating from one form of education also have the opportunity to pursue their studies at higher levels, whether they are boys or girls.

Education in the Socialist Republic of Romania is provided by the State: it is a unified system, provided without payment, with an obligatory duration of 10 years. During the school year 1985/1986, the number of pupils in the first to fourth classes was 1,538,012, of whom 749,991 were girls, while the number of pupils in the fifth to eighth classes was 1,492,654, of whom 726,512 were girls, and the number of pupils in the ninth to twelfth (thirteenth) classes was 1,226,927, of whom 623,425 were girls.

In the technical colleges, the ratio between girls and boys is a function of the specialization and vocation chosen. In the technical colleges for health-care, teaching, light industry, economics and public nutrition, the number of girls exceeds that of boys. However, in the technical colleges for metalworking, building and engineering, the number of girls is lower than that of boys. In the technical colleges for mining, petroleum and nautical studies, girls are not admitted.

In the university year 1985/1986, the number of students was 159,798, including 71,658 girls.

As regards the number of teachers throughout the educational network in our country, the situation during the academic year 1985/1986 was as follows: pre-school teaching - 33,522 staff, all of them women; primary and secondary teaching - 142,981 staff, of whom 102,222 were women; technical colleges - 37,728 staff, including 21,959 women; vocational education - 1,053 staff, of whom 508 were women; schools for training in shop-floor supervision - 115 staff, of whom 25 were women; higher education - 12,961 staff, of whom 3,758 were women.

Electoral Law No. 67/1974 of the Socialist Republic of Romania states in article 2 that "the election of deputies to the Grand National Assembly and to the popular councils is based on the full equality of rights of citizens, without distinction as to race, nationality, sex or religion". At present, some 40 per cent of the deputies to the popular councils, and one third of the deputies elected to the Grand National Assembly, are women.

III

The following are the provisions of Romanian legislation in force which relate to certain articles of the Convention.

Article 2 of the Convention

As indicated above, the country's Constitution and the existing regulations in various branches of Romanian law contain numerous and wide-ranging provisions affirming the full equality of rights between women and men. In that connection, Law No. 58/1968 on judicial organization provides in article 7 that "justice in the Socialist Republic of Romania is applied equally to all persons", both women and men.

Under the existing legislative framework, women and men have the right to apply freely and without hindrance to administrative bodies, courts and other tribunals in order to defend their rights and interests, benefiting at the same time and in equal measure from all the means of protection provided by law, without any form of discrimination.

Under article 2, paragraph 3, of Law No. 58/1968 on judicial organization, "the courts render judgement on the claims of persons whose rights have been infringed by administrative acts, and may pronounce, under the conditions specified by law, on the legality of those acts".

Article 34 of the Constitution of the Socialist Republic of Romania states that "the right of petition is guaranteed. State organs are obliged to settle claims by citizens in respect of personal or public rights or interests".

This provision is reflected in Law No. 1/1978 on the settlement of proposals, suggestions, claims and requests by workers.

Under article 2 of Law No. 1/1978, workers (both women and men) have the right to apply to Party and State organs, and to socialist units and civic organizations, in connection with any problem relating to their personal interests, and to request an explanation and settlement in accordance with the legal provisions. Workers also have the right and duty to inform the competent Party and State organs, and the civic organizations, of any problem of general concern relating to the improvement of economic and social activity, the protection and development of social property, the strengthening of legality, order and discipline, the maintenance of socialist ethics and justice in every aspect of social life, overcoming of red tape, and elimination of gaps and deficiencies, violations of regulations and malpractices at work.

Article 6 of the same Law states that no person who has submitted verbal or written information in good faith to the Party, State or civic organizations can be held responsible for that information. Any act involving persecution of persons who have submitted such information is punishable by law.

It should be noted that there is no legal provision discriminating against women in civil or criminal matters.

Article 6 of the Convention

The Penal Code of the Socialist Republic of Romania, as adopted by the Grand National Assembly at its meeting on 21 June 1968, makes the practice of prostitution, traffic in women and exploitation of the prostitution of women indictable and punishable offences.

The practice of prostitution is penalized by the Penal Code in article 328, which states: "the act of a person who procures the means of subsistence by engaging for that purpose in sexual relations with various persons is punishable by imprisonment for between three months and three years".

Article 329 of the Penal Code penalizes the criminal act of procuring, stipulating that "incitement to prostitution, forced prostitution, acts facilitating the practice of prostitution, the obtaining of benefits from the practice of prostitution, the procuring of a person for prostitution or the traffic in persons for that purpose, are offences punishable by imprisonment for one to five years and deprivation of certain rights".

"If the act provided for in paragraph 1 is committed against a minor, or is of a more serious character, the sentence of imprisonment is for three to ten years, accompanied by deprivation of certain rights. The attempt to commit that act is also punishable".

Articles 7 and 8 of the Convention

Apart from the right of association in trade union organizations, scientific, technical and sporting associations, etc., women have the right to form women's organizations. The women's movement in Romania, whose highest forum is the National Conference of Women, is the organizational framework for the participation of women in guiding society. The women's movement belongs to the Front for Socialist Democracy and Unity.

The body which looks after and co-ordinates the activity of the women's committees and commissions between the national women's conferences is the National Women's Council. Its president is a member of the Council of Ministers.

Article 9 of the Convention

Law No. 24/1971 states in article 4 that the conclusion of a marriage between a Romanian citizen and a foreign citizen does not affect the citizenship of the spouses.

A change of citizenship by one of the spouses does not affect the Romanian citizenship of the other spouse.

A declaration of nullity, annulment or dissolution of a marriage does not affect the citizenship of a spouse who has acquired Romanian citizenship during the marriage.

Articles 7-9 of the same Law, which relate to the acquisition of citizenship by birth, repatriation and adoption, accord women the same rights as those of men with respect to the citizenship of their children.

Article 14 of the Convention

Legislation in force makes no discrimination in respect of equality between women and men as regards rural areas. Council of State Decree No. 93/1983, on the status of agricultural production co-operatives, affirms, in article 10, the rights of members of the co-operative without distinction as to sex. Law No. 4/1977 draws a distinction between the sexes in respect of the age and length-of-service requirements for the granting of retirement pensions for work performed, the age-limit and disability pension: in this case the conditions are more favourable to women.

Article 15 of the Convention

Full equality before the law between men and women is also to be found in civil matters in the Socialist Republic of Romania. Women are recognized as having the same rights as men from the point of view of legal capacity - as regards both capacity of status and capacity of exercise.

Article 4 of Decree No. 31/1954, which relates to physical and legal persons, states that:

"Civil capacity is recognized in respect of all persons.

"Sex, race, nationality, religion, level of culture, or origin do not affect capacity".

Civil legal capacity consists of the capacity of status and the capacity of exercise.

While capacity of status, which commences with birth, is the capacity of men and women to have rights and obligations (article 5 of Decree No. 31/1954), capacity of exercise commences at the age of 18 years, when the person attains majority. The capacity of exercise is the capacity of the person to exercise his/her rights and to assume obligations by performing legal acts (article 5, paragraph 3, and article 8, paragraphs 1 and 2, of the same Decree).

In order to ensure equality of women and men in marriage without restriction, article 8 of Decree No. 31/1954 (which derogates from the rule that majority is attained when full capacity of exercise is acquired) affirms that a female minor of 15 or 16 years of age who marries acquires, with the marriage and as a result of the marriage, full capacity of exercise, and may thus exercise her civil rights and assume civil obligations in so far as she may enter into, personally and in her own right, juridical civil acts without the requirement of anyone's prior consent.

Equality between women and men as regards capacity of exercise is therefore not merely stated, but actually guaranteed, even at the juridical level. For example, the Constitution states in Article 13 that the Romanian Socialist State "guarantees its citizens the free exercise of rights"; Article 17, paragraph 2, states, inter alia, that "no limitation of these rights and no difference as to their exercise on the grounds of nationality, race, sex or religion shall be permitted".

As a further expression of the perfect equality of women and men before the law, article 6 of Decree No. 31/1954 provides that "no one (woman or man) may renounce, whether wholly or in part, the capacity of status or the capacity of exercise. Accordingly, any civil legal act which would tend in any way to limit a woman's legal capacity by infringing the provisions of the law which affirm the perfect equality of women and men shall be deemed null and void".

By virtue of their equality with men before the law and their juridical capacity, women may enter, on a personal and consensual basis, into juridical acts, including contracts; they may administer, purchase and dispose of property, benefiting from the same treatment as men in all stages of judicial procedure and under the conditions of the law.

In addition, article 7 of Law No. 58/1968 on the organization of the judiciary states that: "justice in the Socialist Republic of Romania is applied under equal conditions to all persons".

A further expression of the exercise of equality between women and men is to be found in the provisions of Romanian law on the right of persons, without distinction as to sex, to freedom of movement and the choice of domicile or residence.

Article 13 of Decree No. 31/1954 says that "the domicile of a physical person (woman or man) is where that person has his/her permanent or principal dwelling.

"The domicile of a person, whether woman or man, shall enjoy equal legal protection".

Article 16 of the Convention

While affirming that "in the Socialist Republic of Romania women have rights equal to those of men", Article 23 of the Constitution adds that "the State shall protect marriage and the family and defend the interests of the mother and child". These provisions of the fundamental law are to be found in an expanded form in the Family Code, which establishes the following norms as the basis of the family:

The family is based on a marriage to which the spouses freely consent (article 1, paragraph 3);

The marriage is concluded by virtue of the consent of the future spouses, who shall present themselves together before the official of the registry office at the principal registry office, in order to give their consent publicly and in person (article 16, paragraph 2);

A man may marry only if he has attained the age of 18 years, and a woman only if she is 16 years of age or above;

If there are good grounds, and with the authorization of the body established by law and on the basis of an opinion furnished by an official doctor, a woman of 15 years may be permitted to marry (article 4);

When the marriage is being concluded, the future spouses must state, before the official of the registry office, the name which they have jointly decided to bear during the marriage. The spouses may retain their previous names, or may take the name of either spouse, or bear both their names (article 27);

The official of the registry office, on receiving the consent of the future spouses, shall promptly enter the certificate of marriage in the register, signed by the spouses and the official (article 17);

A marriage can only be proven by a marriage certificate furnished on the basis of the certificate entered in the registry (article 18);

The man and the woman have equal rights and obligations during the marriage (article 25);

The spouses shall jointly decide in all matters relating to the marriage (article 26);

Each spouse is obliged to contribute, to the extent of his/her means, to the costs of maintaining the household (article 29);

Property acquired during the marriage by either of the spouses shall be deemed, from the date of its acquisition, to be the joint property of the spouses (article 30);

The spouses shall administer and utilize together their joint property and dispose of it in the same way. Either of the spouses, when exercising these rights as an individual, shall be considered to have the consent of the other spouse. However, neither of the spouses may alienate or mortgage land or a structure which constitutes part of the joint property without the express consent of the other spouse (article 35).

The movable or immovable property of either of the spouses may be legally alienated by that spouse by means of legal acts against consideration or gratuitously, without the requirement of the consent of the other spouse.

The rights and duties of the parties to children who are minors are mainly regulated by the following norms of the Family Code:

The two spouses have the same rights and duties towards their relatives who are minors, without distinction, whether they are the offspring of the marriage, or whether they are born outside of wedlock or adopted. They shall exercise their rights as parents solely in the interests of the children (article 97);

Measures relating to the person and property of the children shall be decided jointly by the parents (article 98);

The marriage may be dissolved, in exceptional cases, by divorce, at the request of one of the spouses, if there are good grounds, and taking into account the interests of the children who are minors.

A court may not dissolve a marriage through divorce unless, upon good grounds, the relations between the spouses are seriously and irretrievably affected and life in the household is held to be evidently impossible by the party requesting the dissolution (article 36);

In giving a judgement of divorce, the court must decide to which of the two spouses the children who are minors shall be entrusted (article 42, paragraph 1) and determine the contribution of each parent to the costs entailed in the upbringing, education, instruction and vocational training of the children (article 42, paragraph 3).

A divorced parent who is given custody of a child has parental rights in respect of that child (article 43, paragraph 1), but the other parent retains the right to personal access to the child, and to responsibility for the child's education, instruction and vocational training (article 43, last paragraph).

When a marriage is dissolved, the joint property is shared between the spouses, as agreed between them. If the spouses cannot agree on the sharing of the joint property, it is up to the court to decide (article 36, paragraph 1).

Equality of rights is expressed in the fact that both women and men may act as guardians and trustees, and may adopt children, under the provisions of the Family Code. Adoption is regulated by articles 66-85 of the Family Code, trusteeship by articles 113-141, and guardianship by articles 152-157 of the same Code.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLE 18 OF THE CONVENTION

Initial reports of States parties

TURKEY

V.87-82627

"We should acknowledge it with faith that everything in the world is shaped by women. If a community finds itself content by giving only half of its members what they need, that society strips itself of half of its possessions. A nation, in order to achieve a civilized and prosperous life, should look after men and women equally. As a principle our women, like our men, could be enlightened and well educated. Furthermore, the Turkish women will march side by side with the Turkish men, having an equal share in social life and helping and supporting each other."

Mustafa Kemal Atatürk
January, 1923

The statements given in the first page were the views of the great leader and the founder of Turkish Republic, Mustafa Kemal Atatürk, in 1923. And very soon after the speech the whole world saw how sincere Atatürk was. In 1924 the Act of Co-education (Tevhid-i Tedrisat) which gave women equal opportunity with men in education was put into effect. Because, he had found it necessary to start by education in order to influence the new generations,

Enactment of the Turkish Civil Law in 1926 was the second and one of the most important reforms of Atatürk and the Turkish Parliament, in terms of equality between sexes; modernity and reformation. It was very important since for the first time in the history, these rights were given to women-even before women thought of asking and fighting for them as in the Europe of the last century.

Some of the main reformative changes came with the Civil Law were:

- Polygamy was abolished, and thereafter religious ceremonies in this context were not recognized by law.
- Women were given the right to divorce the husband.
- The mother was equally liable for the guardianship of children as the father.
- The lowest and legal marriage age was determined.
- In marriage neither the man nor the woman could be represented by someone else. A marriage would only be legalized with both sides giving consent before an authorized person.
- A married women could own property without her husband's consent.
- Men and women became equal legally with regard to the rights of inheritance.
- Before the Civil Law two women witnesses could refute a man's testimony. Civil Law did not discriminate between the sexes and considered everybody's witness equal.

As an extension of these reforms, in 1930, Turkish women were given the right to be elected in local elections for the first time and a year after the first electoral experience in 1934, the tenth article of the Turkish Constitution was changed

to "every Turkish man and woman of twenty-one years of age can elect the members of parliament". And the eleventh article states that "every man and women of thirty years of age can be elected as representative in the parliament".

In fact, the rights which were thus attained by the Turkish women after the establishment of the Republic were a recognition of her contribution to the socio-economic and political life during the early War of Independence and Turkish women have always sustained her self-respect throughout history.

It's also obvious that granting of these rights to the Turkish women within a ten year period, was a courageous and a realistic approach not only to the Turkish women but also to women at large, because women in other countries had had to struggle to gain these rights for centuries. Therefore those who work for the Women's Liberation and Equality Movements ought to accept Atatürk as a democratic reformist just as countries which fight their wars of independence accept him as a political leader and an ideologist, simply because in no other country has a leader fought for women's liberation with such a strong foresight.

Acceptance of co-education, civil law and amendments and changes in the first Constitution were only a part of Atatürk's reforms and each was particularly influential on social, economic, cultural and political life of the country and led to some structural changes. Even though each aimed at the abolishment of some of out-dated socio-cultural traditions, they never caused to structural and cultural confusion. In line with the changes in all sectors of the country, a new society developed. Population, family structure, education, employment, health, nutrition, participation in political life, wages, income distribution, etc. changed and rural development, mechanization in agriculture, industrial development, internal-external migration have taken place.

In spite of the reforms of Atatürk to establish democratic, laic and free society and developments stated above Turkish women today have some unsolved problems which are closely bounded with the changing economic system and social structure.

Although many of these problems have been handled and have been dealt with, many new problems will unintentionally arise with such changes in socio-economic and cultural life of the country in the near future and each will be determined by structural, cultural and economic system as in the case of today. Undoubtly, such changes would not affect only the women population of the country.

* Population-Family Structure

According tothe first census results of 1927, the population of the country was 13.648.000, and the structure of the population was mostly composed of old age groups since she'd lost her young citizens during the World War I and War of Independence. In order to defend the country from the enemies, to protect the independence and to restore the country, dynamic young population was necessary. Thus as a measure to realize such aims, pro-natalist population policy was adopted and when it accompained with the decrease in the child death rates, population has increased rapidly. Between the years of 1927 and 1984, the Turkish population has in the average increased by 617.000 annualy.

Although the rate of population increase dropped a little with the rise in the welfare level and the realization of economic development, the government decided to implement anti-natalist population policy to increase the level of national income and to slow down the high rate of population increase in 1965 with the Law of Family Planning. Thus the rate of natural increase in population has decreased.

TABLE : 1

Y E A R S	Rate of Population Increase Between Censuses	Rate of Natural Population Increase
1935-40	19.59	16.4 - 14.2
1940-45	10.59	10.6 - 9.2
1945-50	21.73	19.7 - 18.9
1950-55	27.75	26.0 - 24.7
1955-60	28.53	27.2 - 27.0
1960-65	24.62	26.0
1965-70	25.19	27.3
1970-75	25.0	21.1
1975-80	20.65	22.2

Source : S.I.S. Population Censuses.

Projections of two different population policies are given below. The figures on the Table 2 reflect the rate of decrease in the specific age groups between 1960-1980, i.e. between pro and antinatalist population policies. The rate of decrease in the first age group (0-3) and the rate of increase in the last row (7-22) are especially significant when two different policies were taken into account.

TABLE : 2

Age Groups	1960	1965	1970	1975	1980
0 - 3	12.2	11.5	11.1	11.1	10.4
4 - 5	6.6	6.8	6.4	5.8	5.7
6 - 12	18.4	19.1	19.5	18.9	18.1
7 - 12	15.4	16.1	16.6	16.2	15.6
13 - 15	6.0	6.9	7.2	7.5	7.2
16 - 18	5.2	5.7	6.3	6.7	6.9
19 - 22	7.0	6.3	6.9	7.7	7.5
7 - 22	33.5	35.3	37.1	38.1	37.2

The women population in Turkey, as compared to the population of men in average, is older and their life expectancy is longer. The Table 3 shows the significance of change in sex structure of the population between 1927 and 1980.

Although the ratio of women population to overall population has decreased in comparison with the 1927 population, the role of women within the family structure maintains its significance.

Indeed as an indicator of social and demographic structure of society and as an institution the family has particular role and importance in the Turkish society. This importance is also emphasized by the 1982 Constitution, in article 41, and the family is stated as the foundation of Turkish society. It has also foreseen by the Constitution that the state takes the necessary measures and makes the appropriate arrangements to ensure the peace and the welfare of the family, particularly the protection of the mother and children and teaching and implementation of family planning.

TABLE : 3

Census Year	Women	Men	Number of Men For Each 100 Women
1927	51.9	48.1	93
1935	50.9	49.1	97
1940	50.1	49.9	100
1945	49.7	50.3	101
1950	49.7	50.3	101
1955	49.2	50.8	103
1960	49.0	51.0	104
1965	49.0	51.0	104
1970	49.4	50.6	102
1975	48.6	51.4	106
1980	48.4	51.6	107

Source : State Institute of Statistics.

In the Fifth Five Year Development Plan "protection of families" is one of the basic principles. It has been indicated as follows; "sharing of the benefits of the economic development and the increase of employment and social services in order to protect the family units. The target of the social and economic development is oriented to the betterment of the family". The Yearly Programme of 1987 also includes a special section for family and some measures to protect this institution.

Measures related to the family are also connected with the betterment of conditions of women and children. Therefore, each measure on family could be applied only through women and children.

Although it is possible to see a little decline in the household sizes in parallel with the economic and social development, average household size is approximately 5.2. And

even though nuclearization of the families is not a recent phenomenon in Turkish society, the trend has been increasing. There is also an increase in the age of first marriage for men and women, respectively 23.8 and 20.7. These figures were 23.1 for men and 19.7 for women in 1935.

"Head of the family" attribution of the men has lost its importance with the increase in the rate of participation of women in the labor force in urban areas. Women have lost their importance as non-wage family workers in them urban areas. With the mechanization in agriculture, non-wage female workers are moving to become housewives.

Thus, although the changes in the functions of the family as a result of the developments in the socio-economic structure of the country have led to changes in the women's functions in the family, women never lost their importance in famial relations. In the urban areas, women are acquiring ever new roles and functions and because some of the urban services for women are lacking, the function of the woman in the family is becoming more important.

* Education

Education is the primary factor which identifies the capacities of women, endowes them with the possibility of perceiving the socio-economic factors of their environment and adapting themselves to these. In short, it is the factor which assists them to perform their role in a better way. In spite of its importance, education alone does not have enough power to affect and direct women's participation in the economic, social, and political life of the community. For this reason, the participation of women in working life in the society and the recognition of rights to facilitate this participation varries from society to society and in different periods of time.

The literacy rate of women which was very low during the early dates of the Republic (4.6 %) has been raised to 65.2 % in 1984 as a result of efforts shown on this matter. The younger age groups are all literate. In basic education while opportunities for going to school are provided almost 100 %, especially in the rural areas, due to early marriage or employment, middle schooling for girls is realized at a lower rate than that of boys.

In rural areas, a higher percentage of female students than males quit school. On the other hand, in urban areas the percentage of students registered in schools is higher for females than males.

TABLE : 4 SEXUAL DISTRIBUTION OF TWO AGE GROUPS (%)

YEARS		Age Groups 7 - 12	7 22
1960	Boys	8.2	17.7
	Girls	7.3	15.8
1965	Boys	8.6	18.4
	Girls	7.6	16.6
1970	Boys	8.6	19.3
	Girls	8.0	17.8
1975	Boys	8.4	19.6
	Girls	7.8	18.4
1980	Boys	8.1	19.2
	Girls	7.5	18.0

Source: State Planning Organization

With the adoption of statism in Turkey in the early 1930s, partly as a result of the economic developments in the world then, and consequently with the planned economic development which was implemented, importance was attributed to the education of women as an element within the scarce human resources capital. Later, during the planned economy period after 1960s, with this same approach to education, significant developments in this area were attained within the framework of policies which foresaw education as the most effective instrument in augmenting the creative capacity and productivity of the society, which could provide training facilities in conformity with individual capacities and would develop the principle of equal opportunities. The number of girls' handicraft training secondary schools was increased twofold, from 91 during the 1961-1962 school year, to 205 in 1985, and the number of girls' professional colleges increased 2.5 times, from 102 during the 1961-1962 school year, to 257 in 1985. The rapid rise of the number of girl students in the girls' professional schools from 8.191 to 36.912, a rate of increase more than that in the number of schools, is an indication of the continued intense attention directed to the professional education of the female population since the beginning of the establishment of the Republic.

The same situation may be observed in the girls' applied handicrafts schools. The fact that the increasing number of the female population belonging to the 10-14 age group is attending these schools, to which women of all age groups are admitted, explains the comperatively low rates of increase in the number of students attending the girls' secondary professional schools. The number of girls and women of all ages, attending these applied handicrafts schools have increased 3.3 times, from 33,000 in 1961, to 110,000 in 1984.

Another type of education which has an important role is the education of women besides the professional handicraft colleges and applied craft schools, is the travelling women's courses. The number of students participating in 2,178 courses was 45,610 during 1974-1975, their number has increased 33,7 % to 61,000 students in 3,981 courses during the 1980 1981 school year.

The rapid increase in the number of girls and woman participants in these courses which offer professional and technical training besides general education, is an indication of the real benefits of this type of training.

On the other hand, as a result of a reading-writting teaching campaign which was revitalized in 1981 and which covered about 3.5 million people, considerable increases were obtained in the number of literates in the rural areas and in the slum areas, and the literacy rate of the women population has reached 65.2 % in 1984. A programme which is especially prepared for women is introduced on the TV, with the intention to assist women's social and formal education.

Furthermore, new professional and technical education possibilities in ceramic-making, in ready-made costume and in textiles, have attracted increasing numbers of women to be employed in these professions and helped women to contribute at a higher level to the economy of the country.

The number of girls continue to increase in general in the middle schools and lycees.

In senior education, the percentages of girl students vary from university to university. Girl students, in general, occupy 34 % of the overall number of university students in 27 universities in Turkey, the highest percentage being 53 % at the Ege University in Izmir and the lowest percentage being 18 % at Firat University in Elazig. Presently girl students are represented at the highest percentages (51.3 %) in the language and literature fields, and at the lowest (21.9 %) in engineering and technical subjects, which are bigger than the world averages.

TABLE 5 : DISTRIBUTION OF FEMALE UNIVERSITY STUDENTS ACCORDING TO FIELDS OF EDUCATION (%)

Education Area	1982-83	1983-84
Language and Literature	49.3	51.3
Fine Arts	42.4	46.5
Sciences	42.1	43.5
Medical Sciences	36.8	39.2
Applied Social Sciences	30.5	35.4
Social Sciences	28.9	33.4
Pre-Bacheloria Senior School	30.0	31.5
Agriculture-Forestry	26.7	26.3
Technical Sciences-Engineering	20.5	21.9

Source : Saim Kaptan : Higher Education and Potential of Manpower in Turkey

The second highest percentage of girl students are in the Fine Arts (46.5%), followed by those in basic sciences (43.5%); in medical sciences (39.2%), in applied sciences (35.5%) and in social sciences (33.4%).

The 9 universities among the 27 universities, where female students are highly concentrated, are located in Istanbul, Ankara and Izmir. The percentage of female students in universities in small towns is lower. This fact is partly due to social values and concepts relating to the education of girls which shows negative trends in certain areas or due to the insufficiency of accommodation for female students in smaller universities.

Turkish women continue to take part in the education system for teacher, trainer and administrator. In fact, 42% of teachers in primary education, 37% in secondary education, 33% in professional technical education and 26% in higher education are women.

* Employment

Due to the improvement of education and health conditions and also to new developments in favour of women with respect to their equal treatment, women have participated more and more and in greater numbers in the working life. Since 1950, in line with the trend observed in almost all countries of the world, in Turkey too, the number of working women is increasing continuously despite the decrease recorded in their proportions within the labour force. Indeed, the woman labour supply which was 5.4 million in 1970, reached 5.8 million in 1984. The number of wage earning women was multiplied by 6.18 during the period 1950-1980, thus increasing from 153.069 in 1950 to 945.851 in 1980, and their share in the overall wage earning labour force increased from 12.1 % to 15.3 %.

However, in the same period, while the percentage of women in the overall wage earning labour force was increasing, the share of women in the total labour force, in conformity with the trend of declining proportions in the labour force as a result of migrations from the rural to the urban sector and mechanization in agriculture, decreased from 47.1% to 36.8%, respectively.

TABLE 6 : PARTICIPATION IN LABOUR FORCE (%)

YEARS	Female	Male	Total
1923-1927	81.5	94.6	87.3
1950	81.5	95.5	88.4
1975	46.8	89.3	68.5
1985 (Estimate)	36.4	81.7	59.3

Source : State Planning Organization.

The increase in the number of working women despite the fall in their proportion of participation in the labour force as shown in Table 6, has brought about a new type of woman working and contributing to the economic activities thus creating a significant change in the perception of woman as a mother and housewife. From 1955 to 1980 the number of working women increased 7.3 times in the service sector and 5.8 times in the transportation and communications sector. As of 1984, in the

total labour force, women represent 50.7 % in the agricultural sector, 14.2 % in the industry, 30.4 % in the service sector and 4.7 % in other sectors.

In recent years especially, for reasons such as the aspiration to obtain better living conditions, the rise in the level of education, etc. increases have also been recorded in the number of insured working women in the manufacturing and services sectors. In 1983 the sectors where the number of insured working women was the highest, were tobacco manufacturing (46.5 %), textiles (28.9 %), ready-made clothes (24.6 %), public services (18.1 %), banking and insurance (19.3 %), chemistry-pharmacy (15.1 %) and commerce and legal professions (18.0 %). On the other hand, a distribution on the basis of the position held in the profession gives the following figures for the working women : employers (0.1 %), self-employed (4.8 %), wage-earners (13.9 %) and family workers without wage (81.2 %).

Public sector personnel surveys have shown that as of March 1982, from total of 1.294.418 civil servants, 24.6 % were women. This percentage is much higher than that of the insured women workers in 1983 (9.1 %) and even than that of women wage-earners (15.3 %) according to the results of the 1980 population census. As for the civil servants, the public institutions where women are the most numerous are the Ministry of Health and Social Assistance (58.1 %), Ministry of Finance and Customs (32.7 %), General Directorate of P.T.T. (26.8 %), Ministry of National Education, Youth and Sports (24.8 %) and banking institutions (33.5 %). The institution which in absolute terms employs the largest number of women is the Ministry of National Education, Youth and Sports.

The distribution of woman civil servants according to the place of work, was as follows in 1982 : 47.4 % in office work, 21.7 % in hospitals, 21.6 % in schools and the remaining in workshops, factories, warehouses and in other work sites.

TABLE 7 : DISTRIBUTION OF WOMAN CIVIL SERVANTS ACCORDING TO THE PLACE OF WORK (1978-1982)

YEARS	Total Number of Woman Civil Servants	Office (%)	Hospital (%)	School (%)
1978	277,622	37.3	15.9	39.5
1980	296,758	36.7	20.7	31.3
1982	318,470	47.4	21.7	21.6

Source : State Planning Organization.

It has also been observed that the level of education of women working in the public sector is higher than that of men. As of 1982, whereas only 16.5 % of women civil servants which constituted 31 % of those working in general administration services had a primary school degree, the percentage of those with secondary and high school degrees were 30 % and 40.3 % respectively. The percentage of women among the civil servants with university degrees was 24.9 %.

Women working in health services are midwives and nurses, followed by pharmacists, doctors and dentists. Women constitute 53.7 % of pharmacists, 32.4 % of doctors and 27.7 % of dentists.

Women working in technical fields are mostly concentrated in branches such as chemical, agricultural engineerings and architecture. The percentage of women making post-graduate studies is 29.8 %. This percentage is 5.2 points higher than the average of total number of women civil servants in Turkey.

Likewise, in 1984, out of 20,477 teaching staff in 27 universities, 5,865 were women (28.6 %). This is 4 points higher than the average percentage of women working in the public sector.

While 7.9 % of the unemployed were women according to the 1965 population census, this percentage rose to 19.9 % in the 1980 census. It may also be noted that, the results of survey conducted in the urban areas have shown that among the unemployed men and women seeking jobs, the 15-19 and 20-24 age groups are those where the unemployed are mostly concentrated. As a result of migration from rural areas to urban ones, women who used to work in the agricultural sector appear as housewives in the cities. In this case, the number of urban women seeking jobs is 5 times higher than that of women seeking jobs in the rural sector, this is due to the fact that those who have migrated to cities are more eager to participate in the working life, for economic reasons and also as a result of relief from social pressures of the rural environment.

* Health

In general, the indicators which are mostly used are crude mortality, fertility, infant mortality and life expectancy rates.

TABLE 8 : POPULATION INDICATORS RELATED TO HEALTH (1983)

Rate of increase of the population	24.9	per thousand
Crude birth rate	32.0	per thousand
Crude mortality rate	7.0	per thousand
Infant mortality rate	95.0	per thousand

Source : Hacettepe University, Institute of Population Studeis.

TABLE 9 : LIFE EXPECTANCY AT BIRTH

Total	63.0
Woman	65.5
Man	60.6
Total Fertility Rate	3.97

Source : State Planning Organization, Fifth Five Year Plan.

The Turkish Government attaches great importance to mother and child in order to have the future generations brought up in healthy conditions. With the expansion of health services, the infant mortality rate falls and mothers, as well as children benefit most from these services. According to the data provided by the State Institute of Statistics, the rate of woman mortality in the 0-64 age group is much smaller than that of man in the same age group and as life expectancy of man is 60.6 in average, the rate of woman mortality in the age group of 65 years and over increases. As of 1985, 2,754 village health centres and 7,452 district health centers are in operation in the 67 provinces. In accordance with the health socialisation policy under way, the

construction of 720 more village health centres and 1,215 more district health centres have been planned. The data for 1982 indicate that the number of beds in health institutions has reached 116,000 with 26 beds for every 10,000 people. Activities related to family planning, as well as mother and child care are continuing with increased efficiency.

Importance is also attached to the production of sanitary and good quality food stuff which forms the basis for the physical health of the population. The conformity of these products with the standards and conditions required is controlled by the State institutions.

It is expected that the health services rendered to women will further improve with the increase in the number of the health personnel.

Each year, an average of 2,500 doctors, 700 dentists and 800 pharmacists graduate and join the health sector and the health services are further expanded.

The causes of death such as illness, traffic accidents and suicide for women are less in number than those for men. The main causes of deaths are respectively heart diseases, birth, pregnancy etc. diseases, cancerous tumours, unknown sympthoms and pneumonia and other diseases.

* Participation in the Political Life

The Turkish women attained the right to elect and to be elected long before the women in many European countries. The right to vote and to be elected was first recognized to the Turkish women at the local elections of 1930, followed by the right to elect and to be elected at general elections granted in 1934. Thus, at the first general elections held in 1934, 18 women who entered the Parliament formed 4.5 % of the total number of parliamentarians. This has been the highest proportion ever reached during the history of the Republic. After the 1946 general elections there has been a sharp fall in the number of women elected to the Parliament. This seems to be related to the following fact with the beginning of the multiparty system, the role women used to play formerly as a symbol of democratization, lost its significance. Moreover, the opportunity women had at the time of the single party system "to be elected semi automatically" was lost and the rivalry between the political parties also had a negative effect on the women's chances for election. Though there is an increase in the women parliamentarians according to the results of 1983 election.

The most important common features of women who served as parliamentarians in the period 1935-1977 were the following : the education they had received was excellent and most of them had a professional background. Among the women parliamentarians, university, high school and primary school graduates are 68.1 %, 27.5 % and 2.9 % respectively and housewifes only 8.7 %.

As to the 12 women members of the Parliament elected during the last general elections in 1983, 92 % of them have a university degree, whereas the only one among them with a high school diploma has served for many years in almost all levels of the political life.

A look at the results of local elections shows that in big cities particularly, the number of seats won by women candidates is far greater than the proportion of women parliamentarians. The difference between the women parliamentarians and the local women politicians is that, the latter hold mostly primary and high school degrees and are to a large extent, housewives.

On the other hand, as assessment on the basis of voters' behaviour gave the following results : women have less tendency to vote than men; women workers and peasants participate in the elections in greater proportions; women workers' tendency to vote is higher than that of housewives; women are more influenced by their religious beliefs in making their decisions for a political party; they can also be more influenced by the character of the candidate than the party programme.

* Wages

In Turkey, discrimination in wages according to sex does not appear to be a serious problem. Payment of different wages on the basis of sex is not possible, particularly among those working in the public sector or among workers associated with trade unions.

As it is the case in many developed countries, in Turkey too, despite the fact that the principle of equality in wages has been adopted by the Constitution and the Labour Law, wage differences between woman and man appear from time to time due mainly to reasons related to education, physical capabilities, continuing professionel training, etc. Actually, it is a common practice not only in Turkey but in all the countries of the world that certain well paid work are considered to be fit for men only and less paid and auxiliary work spared for women. On the other hand, the women workers are mostly unskilled because they do not go through any kind of training and they cannot be promoted because they are usually neglected in benefiting from professionel training. The inequality in wages could, therefore, find an explanation in the differences in training opportunities.

For civil servants, factors such as the level of education, seniority, degree of success in the work, and for workers, factors related to the nature of work done, experience, productivity and collective bargaining are of importance in the salary or wage determination.

Though the legislation prohibits wage disparity for reasons of sex, the actual situation, particularly in small workshops, is hard to know.

It may also be noted that according to wage schedules forming the basis for social security premiums, the wages paid to women workers in 1982 and 1983 reached higher levels in comparison to wages paid to men. (There is concentration in sectors such as tobacco manufacturing, ready-made clothes, textiles, printing, publishing, commerce and banking). This is mainly due to the fact that women workers, particularly in those sectors where they are concentrated, are paid higher wages for reasons of better education, experience, seniority, productivity and also because they do not change their workshops as often as men do.

TABLE 10 : DISTRIBUTION ACCORDING TO SEX OF AVERAGE WAGES FORMING THE BASIS FOR SOCIAL SECURITY PREMIUM (Daily Wages)

YEARS	Female	Male	Total
1979	277.7	295.8	294.3
1980	412.2	428.3	427.0
1981	538.0	544.4	543.0
1982	700.7	690.1	691.0
1983	965.1	942.2	944.4

Source : Workers Insurance Organization.

A weighted assessment on the basis of real wages may indicate differences in weight factors between man and woman. (There are difficulties in determining the real wages and also the discrimination between men and women). However this situation is not due to payment of different wages for equal work.

A small percentage of women occopy jobs in high levels of the hierarchy but most of them are concentrated at the lowest levels or in jobs which need the least education and qualification, whereas men occupy the medium and top levels of the hierarchy.

LEGISLATIVE ACHIEVEMENTS IN FAVOUR OF WOMEN IN TURKEY DURING THE LAST DECADE

Actually, the legal arrangements related to women realized since the founding of the Republic were taken up in the last ten years in a much broader context :

* The principle of equality has been recognized in article 10 of the Constitution which reads as follows :

"All individuals are equal without any discrimination before the law, irrespective of language, race, colour, sex, political opinion, philosophical belief, religion and sect, or any such considerations. No privilege shall be granted to any individual, family, group or class ..."

Moreover, article 49 of the Constitution declares that "everyone has the right and duty to work..." thus making it clear that there can be no distinction between men and women regarding the right to work. In the following paragraph of the same article, emphasis is laid on the obligation of the State to protect and support all workers. In article 50 of the Constitution, it is declared that "no one shall be required to perform work unsuited to his age, sex and capacity. Minors and women... shall enjoy protection with regard to working conditions...". Among the laws regulating the working life, this provision forms the basis to all provisions of a general or special character in providing protection to women. This constitutes a deviation from what the Constitution has foreseen as to the equality between men and women for it establishes a practice which is favourable to women. The reason for this lies again in the Constitution, in article 41 which reads as follows :

"The family is the foundation of the Turkish society. The State shall take the necessary measures and establish the necessary organization to ensure the peace and welfare of the family, especially the protection of the mother and children, and for family planning education and application."

As can be seen from the provisions above, the woman has been given a special importance and priority from the viewpoint of her duties and functions within the family and the society, in view of her natural characteristics.

In addition to the provisions of the 1982 Constitution according general protection to women, amendments have been made in the laws providing special protection to working women :

* An amendment was made in the Labour Law in 1983 with regard to leave prior and after pregnancy. Women workers were granted the right to request leave without pay up to six months after pregnancy and also their conditions of work were facilitated. Women civil servants were granted the right to request post-natal leave up to six months, and in cases of continuing education, specialization and accompanying spouse who is appointed abroad, they are endowed with the right to request leave without pay up to three years.

* Furthermore, legislation prohibiting the employment of women in underground and underwater work or in any other hard work was adopted. Regulations anticipated by the laws prohibiting night work for women were also put into effect. As a result of this measure, the number of women workers affected by work accidents which caused permanent disability, was reduced by 3 or 4 times when compared with the figure of the past ten years.

* A provision was added to the Labour Law ensuring equal renumeration for equal jobs for male and female workers of equal productivity and prohibiting discrimination on the sole basis of difference of sex.

Moreover, it was declared that no provision incompatible with this could be included in the collective bargainings or work contracts. The principle of equal wage for equal work was thus adopted.

* In 1983, another amendment was brought to the provision regarding the end of work indemnity. This indemnity which is normally due at retirement or when the employer terminates the work contract could be requested by the women on condition that the request is placed within the year following a marriage in case the work contract has been unilaterally terminated by women.

* Measures were also adopted to facilitate the enrolment of more women in civil service as police women, postal distributors, etc.

* The protection of pregnant women workers was ensured through the adoption of the "Regulation regarding the conditions of work for pregnant and nursing women, nursing rooms and nurseries." According to the provisions of this, women workers have the right to have 12 weeks-paid-leave with 6 weeks before and 6 weeks after birth and up to 6 months unpaid leave after delivering their child. On the other hand, establishments employing 100 women workers are required to have nursing room and those employing 300 women workers, a nursery. Maternity and child health services are run by the State and it's free of charge.

* It is forbidden to compel nursing women to work overtime at night shifts or at hard and dangerous jobs. Such women workers are also given daily, a paid break of one hour for breast feeding and their children are taken care of in the nursing rooms from birth until 2 years old. For 6 months after the birth the mother is given daily paid leave of two hours.

* The possibilities of benefiting from motherhood insurance assistance was facilitated by an amendment in the Social Security Legislation and retirement made possible for insured women workers who have completed 20 years of service (theoretically at the age of 38). (The right to retirement for women civil servants is at the completion of 20 years of active service and at the age of 45, whereas for men it is granted after 25 years of active service and at the age of 50). Retirement ages were en echelon increased for both sexes.

* In 1981, a once and for all possibility for early retirement was granted to women civil servants with 15 years of service (theoretically at the age of 33).

* In order to insure independent business men and women Bağ-Kur was established in 1972 and 10 % of the registered (total number of registered ise 1,454,000) are women.

* In 1979, the scope or Bağ-Kur (social insurance for independant economic enterprises) was enlarged so as to include voluntary insurance of housewives. Since the practice was started in 1979 52,809 women registered most of whom are estimated to be housewife. (These constitute approximately 70 % of the affiliated members of Bağ-Kur.)

* In this Fifth Five Year Development Plan (1985-1989), with regard to the participation of women in the working life, more emphasis was laid on policies and measures related to the expansion of nursery, kindergarden and child care services.

* According to the Law of the Social Insurance Institution, women have the benefit of all social insurance rights and, in addition, are covered by the "motherhood insurance". Within this framework, expenses related to pregnancy controls, health assistance for birth, breast feeding allowance, transfer to another place in connection with birth are met by the said Institution.

* Similar provisions of the Law no 657 on Civil Servants, which was promulgated many years ago, have also been included in the Bağ-Kur Law which underwent certain modifications in 1985.

* In order that the women could have legal abortion until the end of 10 th week of pregnancy, necessary provisions were included in the Law on Population Planning adopted in 1983. While the consent of the husband is also required for married couples, this Law enables women to exercise their right to determine the number of their children and assists in improving their health.

* As for the income tax, the system of taxation of married couples went through a modification in 1982. Before this date, married couples used to pay their income tax on basis of combined income which, compared to bachelors, resulted in more payment for working couples, whereas after amendments it has become possible for working women to pay less tax. (Before the modification, the reduction of minimum cost of living was applied only to the income of the head of family, but is now applied to the income of both.)

In 1984, a Prime Ministry circular brought the obligation to public administration to set up nurseries for the children of women civil servants. Labour Law also stipulates that "feeding rooms" and "creches" for infats and children of women workers must be provided. Regulations require that employers who employ between 100 - 300 female workers, must prepare feeding rooms facilities for infants care during mothers working hours. If more than 300 women are employed, a creche should be opened. In addition there are some private kindergardens too but some families find caring mother or relatives for their children.

* It may also be noted that, the fall in the rate of increase of the population and the better education levels reached by women, both being results of family planning policies, are considered to have been the basic factors which facilitated a larger participation of women in the working life.

CONTRIBUTION OF TURKISH WOMEN TO THE TURKISH COMMUNITY WITH RESPECT TO THE "EQUALITY, DEVELOPMENT AND PEACE" DIMENSION

Turkish woman, who always preserved her esteemed position in the society throughout history, realized a great step forward with respect to equality, especially after the foundation of the Republic.

Today, women, within the framework of the principle of equality, have been penetrating in the social and economic life of the country, with an ever increasing impetus, and with their talent, knowledge and skills, have been successful in every professional activity. Concept of equality, here, includes the participation of women in the development process and thrusting more responsibility on them, as well as equality in legal framework. As expressed by the International Convention on the

Elimination of All Kinds of Discrimination Against Women, realization of the equality before law would not resolve the problem by itself, but the more important thing is to exercise them and benefit from them. From this point of view, Turkish women, married or single, as an individual in the Turkish society, is exercising and benefiting all the political, economic, civil and physical rights she has, without being subjected to any discrimination.

The following includes the information on the implementation of the specific provisions of the Convention by Turkey.

Article 2.

The Turkish Constitution guarantees equality of all before the law (Article 10). This constitutional principle is also indicated in the Civil Code, the Labour Code, the Penal Code.

In spite of the equalitarian principles on the Turkish Constitution and the Codes governing internal relationships in the State, some points that derange the equality between two sexes can not be ignored. But none of them could be the reason to attribute Turkish Civil Code as an inequalitarian one. The aim is to idealize the equality between sexes and thus to provide the accordance with the Convention.

It is not possible to neglect the fact and it is observed in practice that, women may sometimes acquire rights more favourable to them as compared with men. Also the works on the modification of the Turkish Civil Law in favour of women have been complated and the draft related to these modifications is waiting for the ratification of Prime Minister.

Article 3.

Participation in the polical system is open both to men and women. There isn't any regulation that limits the women's access to most of central or local authorities or political parties.

Out of regulations there are some trends that prevent women's appointment as governor for cities and towns. Since there is no necessary modifications on the regulations related to this trend, only some time is necessary for the abolishment of certain traditional tendencies.

Turkish women participate in the Turkish political life as member of the parliament, in the education system as teacher and educator; in public and private sector as employee, under secretary, general director, administrator; works in the field as producer; engage in cultural activities as organizer, artist and produce works in fine arts. Also they take place in diplomatic posts, international organizations. In short participation of Turkish women into the social, economic, political and cultural life of the country is increasing day by day.

Article 4.

There are a few special and legal decisions of the Court of Appeal to accelerate the "ideal" equality between the rights of men and women. One of the most important of these decisions gives women the right to use her own family's surname.

Article 5.

Turkey is one of the countries which is in the process of rapid transformation from traditional to industrial and modern society. Surely, such kind of a transformation does not only take place within the system of production, urbanization, mechanization, etc. the social and cultural structures of the country also change. But the speed of change in the latter can not be observed as rapid as in the former.

Even though the developments take place within the sector of communication, transportation and mass media, it is not easy to sweep away all of the deep-rooted traditional stereotyped roles of men and women. This process could only be accerated by education and women's active participation in the economic and social life in time.

Article 6.

Exploitation of prostitution is already under the control of the State with the articles in the Penal Code. In addition to this, in order to prevent the spread out of prostitution the scope of Police Duty and Responsibilities' Act has been enlarged.

The Law 1117 for the Prevention of Young People from Degrading Pornographic Publication has been passed which is prepared with the idea of protection of women against her being used as a material good.

Article 7.

According to the Turkish Constitution every Turkish man and woman of twenty-one years of age can elect the members of parliament and heads of local authorities such as mayor and "muhtar" and participate in public referenda and every Turkish man and woman of thirty years of age can be elected as representative in the parliament. (Article 67)

As it was mentioned above from the legal point of view, women have all the opportunities to participate in the political and executive life of the country. Women are penetrating into areas they believe that it will be useful for themselves, for

their family and for the society and thus they undertake various political, economic and social positions such as village mukhtars, members of municipal councils, mayors and deputies.

The share of women public officers is 24.6 % in 1982, and the number of women in public sector work as under-secretary, general director and administrator can not be ignored.

Article 8.

There is no restriction for Turkish women representing the Turkish Government at the international level, and their share is not insufficient with respect to share they hold in government offices.

Article 9.

The Law on Turkish Citizenship remains in compliance with Article 9 of the Convention.

Article 10.

Primary education is compulsory for boys and girls. Alhough boys and girls have same and equal rights to acquire higher levels of education such as secondary school, lycee and higher education, girls' level of attendance drops when higher steps of education is considered in the rural areas of country. Main reasons of this decline in rural areas are the family's need to labour force and low marriage age and some traditional values. It is supposed that mechanization of agriculture has highly influenced this trend and in the near future it will abolish with some other traditions such as "başlık" (payment made to the bride's father before the marriage).

The school curriculums in each level of education are same for both men and women since the enactment of Act of Co-education (Tevhid-i Tedrisat) in 1924.

"Courses for illeterates" led to great increase in the number of literates in the country especially in rural areas. The rate of literate women was increased to 65.2 % (1984)*. Also "ability development" courses for both men and women have created great repercussions in the country, and especially in rural areas. These courses not only develop the abilities of the people but also meet the necessity for trained labour force in the rural and less developed regions.

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* This ratio was 48 % in 1975.

Opportunities to participate in sport and physical education for men and women are equal, and physical training lectures are obligatory for both girl and boy students at all levels of education, from the primary to university level. Women can participate in sport clubs as a member.

Family planning education is so wide-spread and intensive enough. But unfortunately it is not so effective again because of traditional prejudices. The measures related to this problem were stated on the 1987 Program of State Planning Organization. (Population-Measure 5). Family planning education is also intensive in mass-medi especially on TV.

Article 11.

Every Turkish citizen has the right to work. Women population in non-agricultural sector increased, however rural-urban migration on the one hand and agriculture on the other resulted in decrease of the women population in the total labour force during 1950-1980 period. The increase in women population in non-agricultural sector caused by the fact that unpaid family workers in agricultural sector trends to work as employees as a result of urbanization. Women who migrate from rural areas are willing to play active role in the economy instead of being house-wife only.

Main factors of increase in women's active participation into the labour force are improvement in the educational level of women population, increase in the job finding opportunities in cities, decrease in fertility, etc.

15.2 % of the total wage-earners is constituted by women population: among the insured workers 9.1 % is women and 24.6 % of the total public officers is women.

To statistical data women officers have higher educational level as compared to men. Also women worker get higher wages as compared to men insured workers in the last three years. One of the basic reason of this differences is women constitute much less mobile labour-force with respect to men.

Insured both men and women have equal rights in terms of social security, and the Labour Code remains in compliance with Article 11/2 of the Convention.

But there is no regulation in the Turkish Labour Code governing the payment of unemployment neither for men nor for women.

Article 12.

The right of citizens to health protection and assistance in the case of illness or work disability is a constitutional principle. The protective health services are free of charge and open for men and women.

The work on "Application Offices for Families" which will provide services for the families in every segment of marriage especially in the case of helplessness of the family has been started in 1987.

Article 13.

The payment of family allowance may be received either by man or woman without any sexual differentiation. Also, women and men have equal rights to bank and mortgage loans as well as other forms of financial credit. The sex of individuals receiving credit does not affect its granting.

As it was mentioned above both sexes have equal rights to access cultural amenities and participate in all aspects of cultural life.

Article 14.

Turkish women and men actively participate in agricultural production, therefore they equally enjoy the benefits of production.

Self-employed men and women, and agricultural workers from both sexes are included into the insurance system, thus both groups have right to benefit from all kinds of security measures (Act. No. 2925 and 2926).

Without any differentiation helpless, aged and disable Turkish citizens have right to receive "helplessness salary" from the State if they don't have any close relative such as son, daughter who will undertake their costs of living (Act. No.2022).

Health services on family planning have been developed by special projects of Ministry of Health and Social Assistance and by works of several associations and foundations related to family planning. For instance the Foundation for the Enforcement of Turkish Women governed by Prime Minister's wife has established two special centers in eastern Turkey to accelerate the work on woman health and family planning. Also travelling health services were enlarged by the same Foundation.

As it was stated previously courses for illeterates has

gained undeniable success as well as ability development courses, in rural areas of the country.

Article 15 - 16.

Work on the modification of the Turkish Civil Law in favour of women has been completed by the concerned commission, and the draft is waiting for the ratification of Prime Minister.

After the modification women not only gain freedom to choose their residence and domicile legally but also rights to use their legal capacity ideally. In the case of divorce they will be able to have equal right on family property with men. Thus, although equality between men and women is provided in practice, women will share ideal equality with men legally after the ratification of the modification.

Act of abortion was also modified in 1985 and application of abortion has become possible in the State hospitals and free of charge.

Minimum ages of marriage are 15 and 17 years of age respectively for women and men. These ages can be decreased to 14 for women and 15 for men by judge in any case of application.

Value and importance of children as well as women are granted by the Constitution. The value of children is very important both for the family and the Turkish society.